

ESTTA Tracking number: **ESTTA728534**

Filing date: **02/22/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91225315
Party	Defendant AS IP Holdco, LLC
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Date	02/22/2016
Attachments	Applicant's Opposition to Opposer's Motion to Consolidate - Delta Faucet.pdf(3074666 bytes) Declaration of Ralph H. Cathcart - Delta Faucet.pdf(1544138 bytes) Exhibit A - RHC Declaration - Delta Faucet.pdf(2012670 bytes) Exhibit B - RHC Declaration - Delta Faucet.pdf(3073621 bytes) Exhibit C - RHC Declaration - Delta Faucet.pdf(5975718 bytes) Exhibit D - RHC Declaration - Delta Faucet.pdf(28507 bytes) Exhibit E - RHC Declaration - Delta Faucet.pdf(309217 bytes) Exhibit F - RHC Declaration - Delta Faucet.pdf(566723 bytes) Exhibit G - RHC Declaration - Delta Faucet.pdf(115119 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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DELTA FAUCET COMPANY,	:	
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	:	
	:	Opposer, Opposition No. 91/225,315
	:	Application No. 86/720,985
v.	:	Mark: DXV LYNDON
	:	
AS IP HOLDCO, LLC,	:	
	:	
	:	
	:	Applicant.
	:	
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**APPLICANT’S OPPOSITION TO OPPOSER’S MOTION
TO CONSOLIDATE PROCEEDINGS AND STAY DISCOVERY**

AS IP Holdco, LLC opposes Delta Faucet Company’s putative “Motion to Consolidate Pending Inter Partes Proceedings and Stay Discovery and Brief in Support” on the grounds that it is a tardy, thinly veiled and groundless attempt to reopen the expired deadline for Respondent Delta Faucet Company to respond to outstanding discovery in another proceeding, namely Cancellation No. 92/061,540.

BACKGROUND

On or about November 13, 2015, AS IP Holdco, LLC, Respondent in the prior pending Cancellation proceeding, served discovery on Delta Faucet Company.

The discovery requests included Respondent’s First Set of Interrogatories, Respondent’s First Set of Document Requests and First Requests for Admissions. Cathcart Decl. at ¶ 11, Exhs. A, B and C.

Delta Faucet Company was obliged to respond to these discovery requests on or before December 18, 2015. *Id.*

In late October 2015, AS IP Holdco, LLC learned that Petitioner was wrongfully and intentionally engaging in trademark notice registration misuse, by falsely using its unregistered LINDEN mark together with the “®”symbol. Cathcart Decl. at ¶ 12.

On November 18, 2015, AS IP Holdco, LLC timely moved in Cancellation No. 92/061,540 to amend its Answer to add Affirmative Defenses based on Delta Faucet Company’s wrongful and knowing misuse of the trademark registration symbol “®”. Cathcart Decl. at ¶ 17.

In the Motion to Amend, AS IP Holdco, LLC, alternatively sought either a stay of discovery or an extension of time for AS IP Holdco, LLC to respond to Delta Faucet Company’s outstanding discovery requests. Cathcart Decl. at ¶¶ 17-18. Delta Faucet Company did not file any response to AS IP Holdco, LLC’s Motion to Amend, did not consent or object thereto, nor did Delta Faucet Company timely move to extend its own time to respond to AS IP Holdco, LLC’s First Set of Interrogatories, First Request for Production of Documents and First Request for Admissions. Cathcart Decl. at ¶¶ 19-21. Rather, Delta Faucet Company deliberately chose (i) not to respond to discovery, (ii) not to consent to or oppose the Motion to Amend and (iii) not to move to extend its time to respond to discovery. Cathcart Decl. at ¶¶ 19-24. In fact, AS IP Holdco’s counsel even inquired by email dated November 24, 2015, whether Delta Faucet Company would file any responsive papers (Cathcart Decl. at ¶ 22) and counsel stated that it deliberately chose not to do anything. Cathcart Decl. at ¶ 23. (Exhs. D and E, respectively.)

On January 25, 2016 the Board issued its corrected Order granting AS IP Holdco, LLC’s Motion to Amend its Answer in Cancellation No. 92/061,540, re-set discovery and trial deadlines and expressly granted AS IP Holdco, LLC’s request to extend its time to respond to Delta Faucet’s discovery requests served in Cancellation No. 92/061,540. AS IP Holdco, LLC has

complied with the Board's Order and timely served its discovery responses in the Cancellation Action. Cathcart Decl. at ¶ 26.

I

Delta Faucet Company's Improper Attempt to Reopen its Discovery Default in Another Proceeding in this Opposition Proceeding Must be Refused

As an initial matter, on procedural grounds, Delta Faucet Company's motion essentially seeking to reopen its discovery default should be heard in the proper proceeding, namely Cancellation No. 92/061,540.

Delta Faucet Company's decision to do so in this Opposition proceeding, prior to the Board briefing and determining whether consolidation is even appropriate under the circumstances is presumptuous and premature.

Nevertheless, Delta Faucet Company's groundless and tardy request to set aside its default in responding to AS IP Holdco, LLC's First Set of Interrogatories, First Request for Production of Documents and First Request for Admissions in Cancellation No. 92/061,540 must be denied.¹

Here, Delta Faucet Company willfully, knowingly and purposely chose not to respond to AS IP Holdco's discovery requests; 2) chose not to file any papers either objecting or consenting to any portion of AS IP Holdco, LLC's Motion to Amend and for discovery related relief in Cancellation No. 92/061,540; and 3) chose not to timely move to extend the time whereby it was to respond to AS IP Holdco, LLC's discovery requests in Cancellation No. 92/061,540. Cathcart Decl. at ¶¶ 19-24. As stated above, AS IP Holdco, LLC's counsel even wrote to Delta Faucet Company's counsel inquiring whether it intended to file responsive papers to AS IP Holdco,

¹ AS IP Holdco, LLC is simultaneously filing this response as it relates to Delta Faucet's discovery default in Cancellation No. 92/061,540, so as to avoid confusion and not to concede that Delta Faucet's Motion to Consolidate is otherwise well grounded.

LLC's Motion to Amend, and counsel stated that it intentionally decided not to do anything. Cathcart Decl. at ¶¶ 22-23, Exhs. D and E, respectively.

Delta Faucet Company has knowingly and intentionally refused to comply with its discovery compliance obligations. Indeed, Delta Faucet Company has wholly failed to respond to AS IP Holdco, LLC's First Set of Interrogatories, First Request for Production of Documents (not one page of documents has been produced) and First Request for Admissions. Responses were due on December 18, 2015, as admitted by Delta Faucet Company. Delta Faucet Company's Moving Brief at pg. 6. Thus, Delta Faucet Company's time to respond to discovery expired more than 60 days ago. Fed. R. Civ. P. 36(a) provides that where a party fails to respond to a Request for Admission, the request is automatically deemed admitted.

Pursuant to Fed. R. Civ. P. 6(b), made applicable by 37 CFR § 2.11(a), when seeking to reopen an expired time to take an action; TMBP § 509.01 provides:

“A party may file a motion for enlargement of the time in which an act is required or allowed to be done [citation omitted]. If the motion is filed prior to the expiration of the period as originally set or previously extended, the motion is a motion to extend and the moving party need only show good cause for the requested extension. If, however, the motion is not filed until after the expiration of the period as originally set or previously extended, the motion is a motion to reopen, and the moving party must show that its failure to act during the time allowed therefor was the result of excusable neglect”. [Emphasis added.]

The analysis used in determining whether a party has shown “excusable neglect” was set forth by the Supreme Court in *Pioneer Investment Services Company v. Brunswick Associates Limited Partnership*, 507 U.S. 380 (1993), adopted by the Board in *Pumpkin Limited v. The Seeds Corp.*, 43 U.S.P.Q.2d 1582 (TTAB 1997). These cases and their progeny hold that the excusable neglect determination takes into account several factors, but the “third” *Pioneer* factor, *i.e.*, “the reason for the delay, including whether it was within the reasonable control of the movant” may be deemed to be the most important of the *Pioneer* factors in a particular case.

See, e.g., Baron Philip De Rothschild S.A. v. Style-Rite Optical Manufacturing Co., 55 U.S.P.Q.2d 1848, 1851 (TTAB 2000) (counsel's press of other business, docketing errors and misreading of relevant rules are circumstances wholly within counsel's control); *American Vitamin Products, Inc. v. Dow Brands Inc.*, 22 U.S.P.Q.2d 1313 (TTAB 1992) (defendant's desire to take follow-up discovery and its uncertainty regarding status of plaintiff's pending motion to strike affirmative defenses did not excuse respondent's neglect in failing to file a timely motion to extend discovery); *Hobie Designs Inc. v. Fred Hayman Beverly Hills, Inc.*, 14 U.S.P.Q.2d 2064, 2065 (TTAB 1990) (no excusable neglect where defendant's failure to timely respond to certain discovery requests was due to defendant's oversight or lack of care in reading discovery requests).

Delta Faucet Company has provided no detailed information whatsoever setting forth why the Board should determine that its willful failure to timely respond to discovery can somehow be characterized as "excusable neglect" and thereby justify the reopening of its default. Delta Faucet Company consciously chose, as confirmed by its letter attached to the Cathcart Decl. at Exhibit E, not to file any responsive papers or to seek an extension of time to respond to discovery requests propounded upon Delta Faucet Company.

Delta Faucet Company's "inexcusable neglect" is underscored in its ill-conceived Moving Brief where it improperly refers to AS IP Holdco, LLC in Opposition No. 91/225,315 as "Respondent" rather than "Applicant" (Delta Faucet Company's Moving Brief at pg. 1), and erroneously claims it needs additional time to respond to AS IP Holdco, LLC's "counterclaims". Delta Faucet Company's Moving Brief at pg. 5. AS IP Holdco, LLC has not filed any counterclaims and information concerning Delta Faucet Company's own trademark registration symbol "®" misuse is particularly within its own possession. Cathcart Decl. at ¶¶ 29-30. Such

misleading and sloppy pleadings and inattention to detail further militates against granting Delta Faucet Company's tardy and groundless motion.

Instructively, TBMP § 509.01(b)(i) states:

“ . . . for purposes of making the excusable neglect determination, it is irrelevant that the failure to timely take the required action was the result of the party's counsel's neglect and not the neglect of the party itself. Under our system of representative litigation, a party must be held accountable for the acts and omissions of its chosen counsel. [Citation omitted.]

Delta Faucet Company's tardy attempt to reopen its intentional default by casting its request as one aimed at judicial economy in a separate proceeding where LINDEN Application No. 86/361,010 is not even pleaded is self-serving and intellectually dishonest. Even if the Board were to grant a consolidation of proceedings, this would not excuse Delta Faucet Company's intentional default in responding to discovery requests concerning a different registered trademark, or failing and/or refusing to file responsive papers to AS IP Holdco, LLC's Motion to Amend or refusing to seek an extension of time to respond to AS IP Holdco, LLC's discovery requests.

Respondent's counsel's irrelevant reference in its Moving Brief to a request for e-mail courtesy copies from Respondent is a red herring. Indeed, Delta Faucet Company's counsel was aware of the filing on November 18, 2015 of AS IP Holdco, LLC's Motion to Amend for several days when on November 24, 2015 it requested that AS IP Holdco, LLC send counsel "courtesy copies of the Motion to Amend and AS IP Holdco, LLC's discovery requests". Cathcart Decl. at ¶¶ 32-35. Further, on November 24, 2015 AS IP Holdco, LLC's counsel, through its Litigation Support Manager, Reinaldo M. Roa, served courtesy copies via e-mail transmission. Reinaldo M. Roa Declaration at ¶¶ 3-4.

Thus, there can be no credible argument made by Delta Faucet Company that its default (now more than 60 days) was somehow remotely precipitated in part due to dubious claims that Respondent's service by first class mail was delayed by several days. At least as early as November 24, 2015 and then again on November 28, 2015, Respondent was in possession of AS IP Holdco, LLC's discovery requests and Motion to Amend. Cathcart Decl. at ¶ 34. Thus, Delta Faucet Company's reference to this non-issue insults the Board's intelligence, and does not provide a truthful reason for why Delta Faucet Company willfully chose not to reply to AS IP Holdco, LLC's discovery requests or to seek an enlargement of the time to do so. Delta Faucet Company at minimum had three (3) weeks to do so and did nothing. Cathcart Decl. at ¶¶ 32-35.

Further, Delta Faucet Company's contention that proceedings were suspended is false. Delta Faucet Company's Moving Brief at p. 6. Indeed, the Board generally does not suspend proceedings or stay outstanding discovery, except when a dispositive motion such as a motion for summary judgment or motion to dismiss is filed. See TMPP § 510.03(a). In fact, even where a dispositive motion is filed "the filing of such a dispositive motion does not in and of itself operate to suspend a case, until the Board issues its suspension order, all times continue to run". *Id.* (Emphasis added.) Here, no such dispositive motion was made and no Order was ever issued by the Board suspending proceedings.

Here, given Delta Faucet Company's intentional failure to timely respond to AS IP Holdco, LLC's discovery requests, Delta Faucet Company is in default of its discovery obligations. On or about February 2, 2015, AS IP Holdco, LLC notified Delta Faucet Company and expressly made clear that Delta Faucet Company was in default and that responses must now be made "on the merits" and without objection" and that the Requests for Admissions were deemed admitted. Cathcart Decl. at ¶ 39, Exh. G.

Thus, with respect to AS IP Holdco, LLC's First Set of Interrogatories and First Request for Production of Documents served in Cancellation No. 92/061,540, Plaintiff must now respond to such discovery requests "on the merits" and "without objection". Indeed, where a party has failed to respond to a discovery request during the time allowed, it may be found to have forfeited its right to object to the discovery requests on the merits. *See, for example, No Fear Inc. v. Rule*, 54 U.S.P.Q.2d 1551, 1554 (TTAB 2000) (where the non-movant cannot show that its neglect of discovery obligations was excusable, the Board generally will order discovery responses to be provided without objections), *Clean Co. v. Shimano Industrial Co.*, 184 U.S.P.Q. 691 (TTAB 1975) (inasmuch as applicant failed to respond to interrogatories because it claimed they served "no useful purpose", applicant waived its right to object to them on their merits and "must reply to them as put". *See also, No Fear Inc. v. Rule*, 54 U.S.P.Q.2d 1551, 1555 (in *No Fear Inc.*, the court held that "opposer, in its request for production, asked applicant to copy and forward responsive documents to opposer, since applicant did not timely respond [applicant] was found to have waived its right to object to the discovery requests on the merits.

Accordingly, Delta Faucet Company must respond to AS IP Holdco, LLC's discovery requests "on the merits" and "without objection". As to AS IP Holdco, LLC's First Request for Admissions, they are automatically deemed admitted.

II.

AS IP Holdco, LLC Opposes Consolidation

AS IP Holdco, LLC Opposes consolidation as a delay tactic by Delta Faucet Company. Delta Faucet Company chose to force AS IP Holdco, LLC to expend resources responding to Delta Faucet Company's discovery requests in the Cancellation proceeding, while failing to respond to AS IP Holdco, LLC's discovery requests. Now, Delta Faucet Company moves to

consolidate proceedings and further re-set discovery and trial deadlines and delay proceedings based on an alleged interest in judicial economy. Delta Faucet Company's motives are at once apparent.

Fed. R. Civ. P. Rule 42(a) – Consolidation provides: “if actions before the court involve a common question of law or fact, the court may: 1) join for hearing or trial any oral matters at issue in the action; 2) consolidate the action; or 3) issue any other orders to avoid unnecessary cost or delay”. In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort and expense which may be gained from consolidation against any savings or inconvenience that may be caused thereby.

Here, in granting AS IP Holdco, LLC's Motion to Amend in the Cancellation Action, and for discovery related relief, the Board reset discovery and trial deadlines by adding the time that the Motion was *sub judice* to the discovery and trial deadlines. Accordingly, any inconvenience to Delta Faucet Company is difficult to divine.


Further, AS IP Holdco, LLC's DXV LYNDON Application No. 86/720,985 arguably embodies a dissimilar commercial impression from AS IP Holdco, LYNDON Registration No. 4,625,940, making consolidation not necessarily a non-prejudicial exercise aspiring to judicial economy. Further, in the Cancellation Proceeding, Delta Faucet Company purposely relied solely on common law rights and did not plead its already filed LINDEN Application No. 86/361,010. Thus, the two cases arguably cover different trademarks and different pleaded rights.

For all of the foregoing reasons, Delta Faucet Company's “Motion to Consolidate Pending *Inter Partes* Proceedings and Stay Discovery and Brief in Support” must be denied in its

entirety and AS IP Holdco, LLC's Request for Admissions in Cancellation No. 96,061,540 must continue to be deemed admitted.

Respectfully submitted,
LADAS & PARRY LLP
Attorneys for Registrant


Dated: February 22, 2016

By: 
Ralph H. Cathcart
Jennifer Kwon
1040 Avenue of the Americas
New York, NY 10018-3738
Tel: (212) 708-1920
E-mail: rcathcart@ladas.com
(Our Ref: C14663936)

CERTIFICATE OF TRANSMISSION

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **APPLICANT'S OPPOSITION TO OPPOSER'S MOTION TO CONSOLIDATE PROCEEDINGS AND STAY DISCOVERY** is being electronically transmitted to the United States Patent and Trademark Office on the date indicated:

Dated: February 22, 2016


Reinaldo M. Roa

CERTIFICATE OF SERVICE

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **APPLICANT'S OPPOSITION TO OPPOSER'S MOTION TO CONSOLIDATE PROCEEDINGS AND STAY DISCOVERY** was served on the person(s) listed below by First-Class Mail, postage prepaid, on the date indicated:

Mary Frances Love, Esq.
Aspire IP
444 E. Pikes Peak Ave., Suite 105
Colorado Springs, CO 80903

Tel: (202)247-7929
E-mail: maryfran@aspireip.com

Dated: February 22, 2016


Reinaldo M. Roa

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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DELTA FAUCET COMPANY,	:	
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Opposer,	:	Opposition No. 91/225,315
	:	Application No. 86/720,985
v.	:	Mark: DXV LYNDON
	:	
AS IP HOLDCO, LLC,	:	
	:	
	:	
Applicant.	:	
	:	
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**DECLARATION OF RALPH H. CATHCART, ESQ.
IN OPPOSITION TO OPPOSER’S MOTION TO CONSOLIDATE
PROCEEDINGS AND STAY DISCOVERY**

I, Ralph H. Cathcart, declare that the following is true and correct pursuant to 28 U.S.C. § 1746:

1. I am a partner at the law firm of Ladas & Parry LLP, attorneys for Respondent AS IP Holdco, LLC. I am familiar with the subject matter of this declaration based upon my own personal knowledge or familiarity with the case files and documents.
2. This declaration is submitted in opposition to Delta Faucet Company’s Motion to Consolidate Proceedings and Stay Discovery.

Background

3. AS IP Holdco, LLC is the owner of LYNDON Registration No. 4,625,940.
4. AS IP Holdco, LLC has been using LYNDON in connection with plumbing fixtures, namely, lavatories, toilet bowls, toilet tanks, bathtubs, robe hooks, tissue holders, towel racks, hand wash basins in the nature of sinks, vanity basins in the nature of sinks, and plumbing fittings, namely, faucets, bathtub spouts and shower heads.

5. AS IP Holdco, LLC has been using its LYNDON brand without any confusion or objection by third parties.

6. On or about May 21, 2015, Delta Faucet Company filed a Petition to Cancel LYNDON Registration No. 4,625,940 claiming prior common law rights. Delta Faucet Company did not plead any pending LINDEN application in the Petition to Cancel.

7. On July 30, 2015, Respondent timely filed an Answer to Delta Faucet Company's Petition to Cancel.

8. Although AS IP Holdco, LLC attempted to discuss a possible resolution, it became clear that Delta Faucet Company was overreaching and was not interested in a resolution.

9. Accordingly, the parties entered into the discovery phase of the Cancellation proceeding.

10. Petitioner served its First Set of Interrogatories and Document Requests on AS IP Holdco LLC and responses were due on or before November 20, 2015.

11. On or about November 13, 2015, AS IP Holdco, LLC served its First Set of Interrogatories, First Request for Production of Documents and its First Request for Admissions on Petitioner. Copies are attached hereto as Exhibits A, B and C. Petitioner's Responses were due on or before December 18, 2015.

12. In late October, 2015, Respondent's counsel discovered that Petitioner was knowingly and falsely using the ® symbol denoting trademark registration in connection with its LINDEN mark.

13. Petitioner's trademark misuse was willful and deliberate and undertaken for the purpose of misleading consumers as to the registration status of LINDEN.

14. Petitioner knew that its applied-for LINDEN Application No. 86/361,010 had not issued to publication, as Respondent's LYNDON Registration No. 4,625,940 was cited as a potential bar to registration by the Examiner in an Office Action dated November 24, 2015.

15. On or about May 21, 2015, Petitioner requested that its LINDEN Application be suspended, pending the instant Cancellation proceeding.

16. Delta Faucet Company knew that it did not own a registration for LINDEN.

17. On November 18, 2015, Respondent timely filed a Motion to Amend its Answer to add Affirmative Defenses based upon Petitioner's willful and knowing misuse of the ® symbol falsely denoting trademark registration for the purposes of misleading consumers.

18. In addition, since the deadline to respond to Petitioner's discovery requests was rapidly approaching, Respondent timely moved for either a stay of discovery or for an extension of time for Respondent to respond to Petitioner's discovery requests.

19. At no time did Respondent file papers with the Board seeking to extend the time for Petitioner to respond to Respondent's discovery requests.

20. At no time did Petitioner file papers with the Board consenting to Respondent's Motion to Amend and related discovery relief.

21. At no time did Respondent file papers with the Board opposing Respondent's Motion to Amend or for related discovery relief.

22. On December 14, 2015, Respondent wrote to Petitioner's counsel to inquire whether it would be serving papers in response to Respondent's Motion to Amend and discovery related relief. A copy is attached hereto as Exhibit D.

23. Later that same day, Petitioner's counsel wrote back that it had "decided it is unnecessary to respond to Defendant's motion". A copy is attached as Exhibit E.

24. As of this date, Petitioner has not responded to Respondent's First Set of Interrogatories, First Request for Production of Documents or First Request for Admissions.

25. On or about January 25, 2016, the Board issued its corrected Order granting Respondent's Motion to Amend, resetting discovery and trial deadlines by adding the number of days Respondent's Motion was *sub judice* to the scheduling Order and granting Respondent's request for an extension of time to respond to discovery requests up-to-and including February 15, 2016.

26. On February 16, 2016, Respondent timely served its responses to Petitioner's First Set of Interrogatories and First Request for Production of Documents.¹

27. Petitioner has not provided any explanation for its knowing and willful refusal to respond to outstanding discovery requests.

28. Petitioner has not set forth with particularity any facts that would tend to show that its default was due to "excusable neglect".

29. Petitioner provides no basis to support its request that discovery be stayed and its discovery default be reopened except that Petitioner "needs additional time to review the new counterclaims and respond to same". Love Moving Brief at pg. 5.

30. Respondent has not filed any "counterclaim", but rather has added Affirmative Defenses based on Petitioner's knowing and willful trademark registration symbol misuse.

31. Petitioner is free to serve any discovery it wants in connection with Opposition Proceeding No. 91/225,315.

¹ February 15, 2016 was a National Holiday thereby extending the deadline to respond to discovery requests until the following business day, February 16, 2016.

Misrepresentations by Petitioner

32. On November 13, 2015, Respondent served Opposer with its First Set of Interrogatories, First Request for Production of Documents and First Request for Admissions.

33. Although Respondent is aware of no one else experiencing significant delays in delivery of first class mail, Petitioner's counsel claims that it did not receive the discovery requests until November 28, 2015.

34. On November 24, 2015, Petitioner admitted it was aware that Respondent had filed its Motion to Amend on November 18, 2015 (available on the TTAB website) and curiously requested that Respondent send courtesy copies of the Motion to Amend and Respondent's discovery requests served on November 13, 2015.

35. On November 24, 2015, Respondent served Petitioner with a courtesy copy of the aforementioned discovery requests and Motion to Amend. *See* Reinaldo M. Roa Declaration at Exhibit F.

36. At no time did the Board issue a Suspension Order in connection with this action.

37. At no time did the Board stay discovery in this action.

38. Petitioner admits that its "responses to discovery were arguably due on December 18, 2015", but then falsely states that "that date was suspended pending the Board's decision on Respondent's Motion to Amend. Petitioner's Moving Brief at pg. 6.

39. On February 2, 2016, Declarant sent Delta Faucet Company a letter noting that Delta Faucet Company was in default and that the Admissions were deemed admitted and that answers to AS IP Holdco, LLC's Interrogatories and Document Requests must be made "on the merits" and "without objections". *See* Exhibit G.

I declare that the foregoing is true and correct under penalties of perjury.

Executed on February 22, 2016 in New York, New York.



Ralph H. Cathcart

CERTIFICATE OF TRANSMISSION

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **DECLARATION OF RALPH H. CATHCART, ESQ. IN OPPOSITION TO OPPOSER'S MOTION TO CONSOLIDATE PROCEEDINGS AND STAY DISCOVERY** is being electronically transmitted to the United States Patent and Trademark Office on the date indicated:

Dated: February 22, 2016


Reinaldo M. Roa

CERTIFICATE OF SERVICE

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **DECLARATION OF RALPH H. CATHCART, ESQ. IN OPPOSITION TO OPPOSER'S MOTION TO CONSOLIDATE PROCEEDINGS AND STAY DISCOVERY** was served on the persons listed below by First-Class Mail, postage prepaid, on the date indicated below:

Mary Frances Love, Esq.
Aspire IP, LLC
3509 Connecticut Ave., N.W., PMB 130
Washington, DC 20008

Tel: (202)247-7929
E-mail: maryfran@aspireip.com

Dated: February 22, 2016


Reinaldo M. Roa

EXHIBIT A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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DELTA FAUCET COMPANY,	:	
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	:	Petitioner, : Cancellation No. 92/061,540
	:	: Registration No. 4,625,940
v.	:	
	:	
AS IP HOLDCO, LLC,	:	
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	:	Respondent. :
	:	
	X	

RESPONDENT'S FIRST SET OF INTERROGATORIES

Respondent AS IP Holdco, LLC ("Respondent") hereby requests, pursuant to Fed. R. Civ. P. 33, that petitioner Delta Faucet Company ("Petitioner") answer under oath each of the interrogatories set forth below and serve a copy of such answers on Respondent's attorneys.

Definitions

- A. Respondent incorporates by reference the definitions set forth in Respondent's First Request for Production of Documents.
- B. Unless otherwise indicated, the term "identify":
 - 1. When used in connection with documents, means to indicate (i) the type of document; (ii) general subject matter; (iii) date of the document; and (iv) author, addressee and recipient.
 - 2. When used in connection with things, including, but not limited to, products or physical things, means to furnish a complete description of the thing, including its common designation, its composition, its physical description, and any other distinguishing characteristics;

3. When used in connection with natural persons, means to give the person's full name, present or last known address, and present or last known place of employment.
4. When used in connection with business entities, means to provide the full name, principal place of business, state of incorporation (if applicable), offices, and manufacturing facilities.

Instructions

1. Where an interrogatory answer differs as between different types of goods falling within the definition of the term "Petitioner's Goods", the answer shall set forth such different information as is applicable to each of the different types of goods.

2. Where an interrogatory answer differs as between different persons and/or entities falling within the scope of the term Petitioner (e.g., first use of the LINDEN Mark by the named Petitioner and first use of the LINDEN Mark by a licensee of the named Petitioner), the answer shall set forth such different information as is applicable to each of the different persons and/or entities.

3. Where an interrogatory answer differs as between different types of use of the LINDEN Mark, (e.g., first use as a trade name and first use as a trademark), the answer shall set forth such different information as is applicable to each of the different types of use.

4. Each interrogatory shall be construed as seeking information concerning Petitioner's past, present and future activities. By way of example only, an interrogatory concerning Petitioner's "use" of the LINDEN Mark shall be construed as seeking information concerning Petitioner's past and present use as well as Petitioner's future, intended use of the LINDEN Mark.

5. These interrogatories shall be deemed continuing in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

INTERROGATORIES

Interrogatory No. 1

Identify each person employed by Petitioner and having primary responsibility for the following aspects of Petitioner's use of the LINDEN Mark:

- A. Manufacture or rendering of Petitioner's Goods;
- B. Sales and marketing of Petitioner's Goods;
- C. Advertising and promotion of Petitioner's Goods;
- D. Custodianship of books, records and files concerning Petitioner's use of the LINDEN Mark; and
- E. Trademark selection, adoption and use of the LINDEN Mark.

Interrogatory No. 2

Identify each person employed by Petitioner having knowledge of Respondent, including Respondent's use of the trademark LINDEN or any other mark containing the term LINDEN in the United States.

Interrogatory No. 3

- A. Identify each and every product or service on or in connection with which Petitioner currently uses or previously used the LINDEN Mark;
- B. Set forth fully all facts concerning the adoption and first use by Petitioner of the LINDEN Mark for each such product or service;
- C. As to each such product or service, set forth any dates of non-use.

Interrogatory No. 4

Set forth fully all facts concerning Petitioner's knowledge (including first knowledge) of Respondent's application for registration or its use of the trademark LYNDON or any other mark containing the term LYNDON, including, without limitation, LYNDON Registration No. 4,625,940.

Interrogatory No. 5

Identify all persons who manufacture or render Petitioner's Goods and provide the dates such manufacturing commenced, and, if applicable, ceased, with respect to each person.

Interrogatory No. 6

State, by year, the total volume of sales of Petitioner's Goods in units and U.S. dollar amounts for the last eight (8) years.

Interrogatory No. 7

Detail the manner, extent and precise nature of advertising, promotion and marketing of Petitioner's Goods.

Interrogatory No. 8

- A. Identify all advertising agencies, public relations firms, and other like businesses or persons, including website designers and hosts, whom Petitioner has at any time employed, hired or retained in connection with the advertising and promotion of Petitioner's Goods; and
- B. For each, identify those persons now or formerly in the employ of or associated with such agency, firm or person with whom Petitioner has had dealings.

Interrogatory No. 9

Specify, by year, the amount of money spent by Petitioner to advertise and promote Petitioner's Goods in the United States.

Interrogatory No. 10

Identify, by date and location, and provide a general description (*e.g.*, title, representative exhibitors, sponsors, etc.) of any trade show or other similar function at or in which Petitioner's Goods were or are to be exhibited or promoted.

Interrogatory No. 11

- A. Describe the trade channels in which Petitioner's Goods are marketed;
- B. Identify each outlet (including websites) owned or operated by or under the control of Petitioner through which Petitioner's Goods are marketed;
- C. Identify each outlet (including websites) not owned or operated by or under the control of Petitioner through which Petitioner's Goods are marketed;
- D. Indicate the geographic area, by individual state, in which Petitioner's Goods are distributed.

Interrogatory No. 12

- A. Identify all present and former sales representatives, agents, distributors, licensees and franchisees of Petitioner's Goods; and
- B. Identify those persons now or formerly in the employ of or associated with each such sales representative, agent, distributor, licensee or franchisee with whom Petitioner has had dealings.

Interrogatory No. 13

Identify each person or entity against which Petitioner has asserted a claim or which has asserted a claim against Petitioner concerning the LINDEN Mark and identify the mark or name used by that person or entity, and the goods, services or business in connection with which the mark or name was used. For purposes of this Interrogatory, a claim shall be defined as a demand that a person or entity cease its use, or modify its use, of a mark or name alleged to be confusingly or substantially similar to the LINDEN Mark, and which has not resulted in litigation or other adversary proceeding.

Interrogatory No. 14

Identify each communication between Petitioner and Respondent, either directly or through agents or representatives, concerning the LINDEN Mark or Petitioner's Goods.

Interrogatory No. 15

- a. Identify any litigation, arbitration, United States Patent and Trademark Office proceeding in the United States and its territories, or other adversary proceeding involving Petitioner and concerning the LINDEN Mark.
- b. Identify all known third-party uses of the names or marks LINDEN, LYNDEN, LYNDON or LINDON both alone and as part of a composite or formative mark) in connection with Petitioner's Goods or Respondent's Goods.
- c. Identify all known third-party uses of the names or marks LINDEN, LYNDEN, LYNDON or LINDON (both alone and as part of a composite or formative mark) in connection with any goods or services of any kind or nature and the date Petitioner learned of these third party uses.

d. Identify all settlement, co-existence, license or other agreements concerning the LINDEN Mark.

Interrogatory No. 16

Identify each person now and formerly employed by or associated with Petitioner, including, without limitation, any outside law firm or attorney, who is or had been primarily responsible for the maintenance and protection of the LINDEN Mark.

Interrogatory No. 17

State whether Petitioner has ever received an opinion concerning the LINDEN Mark or Respondent's LYNDON Mark and provide specific information concerning:

- A. The date and source of such opinion, including the name of each person who drafted the opinion; and
- B. All persons with knowledge of facts connected with such opinion, describing their respective areas of knowledge; and
- C. All third parties and/or names referred to in such opinion.

Interrogatory No. 18

State whether Petitioner intends to call any expert witnesses in this case and, if so:

- A. Identify such witnesses;
- B. State their qualifications as experts; and
- C. Describe the substance concerning which Petitioner proposes to offer their testimony.

Interrogatory No. 19

Describe, in detail, Petitioner's policy concerning the retention of documents and tangible things, including business records.

Interrogatory No. 20

If Petitioner has contacted, been contacted by, spoken with or otherwise communicated with any third parties, including, but not limited to the media, potential licensees, partners, *etc.*, concerning the subject matter of this cancellation (including Respondent's use of LYNDON), and identify said third parties and describe the nature of said communications.

Interrogatory No. 21

State, with particularity, all facts supporting Petitioner's claim that Respondent's applied-for LYNDON Registration No. 4,625,940 is likely to cause confusion with Petitioner's claimed common law rights in LINDEN.

Interrogatory No. 22

Set forth with particularity what investigation or searches were undertaken by Petitioner to ascertain the manner of use of Respondent's LYNDON Mark in the U.S.

Interrogatory No. 23

When did Petitioner first learn of Respondent's use of LYNDON? In answering this Interrogatory, please identify the person who first learned of such use.

Interrogatory No. 24

Set forth with particularity, whether Petitioner sells LINDEN Goods under the LINDEN Mark and if so, identify:

- A. The date such use commenced;
- B. Indicate whether Petitioner has provided specimens to Respondent in response to Respondent's First Request for Production of Documents;
- C. Identify the first customer;
- D. Identify representative customers

E. Provide sales figures.

Interrogatory No. 25

Identify all persons who prepared, assisted in the preparation of or provided information or documents responsive to Respondent's discovery requests, indicating for each such person, the particular response which he or she prepared, assisted in the preparation of or otherwise provided the information.

Interrogatory No. 26

Identify the Manufacturer's Suggested Retail Price or actual price for each type/model or version of product sold by Petitioner bearing the LINDEN Mark.

Interrogatory No. 27

Identify each product information sheet describing the products Petitioner sells under the LINDEN Mark.

Interrogatory No. 28

Identify the type of retail establishments where Petitioner's goods are sold.

Interrogatory No. 29

Identify and describe with particularity the facts surrounding any instances of alleged confusion between Petitioner's Goods and Respondent's Goods, including whether such alleged confusion was communicated orally, in writing, or other electronic or digital means.

Interrogatory No. 30

Describe with particularity whether Petitioner's Goods resemble Respondent's Goods and if so, state how the respective products resemble one another.

Interrogatory No. 31

Explain why Petitioner did not oppose Respondent's LYNDON application that matured to LYNDON Registration No. 4,625,940.

Interrogatory No. 32

Identify with particularity any communications Petitioner had with Respondent concerning coexistence or Respondent agreeing to execute a Consent in favor of LINDEN Application No. 86/361,010.

Interrogatory No. 33

Explain why Petitioner has not plead its LINDEN Application No. 86/361,010 as a basis for seeking cancellation of Respondent's LYNDON Registration.

Interrogatory No. 34

Identify all documents, searches, advertisements, marketing materials, press releases, publicity and the like relating to the meaning of LINDEN as it relates to the LINDEN Tree or to Petitioner's Goods.

Interrogatory No. 35

Describe with particularity how Petitioner's Goods resemble a Linden tree.

Interrogatory No. 36

Describe with particularity if the shape of Petitioner's Goods are identical or similar to Respondent's Goods.

Respectfully submitted,

LADAS & PARRY LLP
Attorneys for Respondent

Dated: November 13, 2014

By: 
Ralph H. Cathcart
1040 Avenue of the Americas
New York, NY 10018
(212) 708-1920
(Our Ref: C14663936)

CERTIFICATE OF SERVICE

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **RESPONDENT'S FIRST SET OF INTERROGATORIES** was served by first-class mail, postage prepaid, to the following persons:

Mary Frances Love, Esq.
Aspire IP
3509 Connecticut Avenue, N.W., PMB 130
Washington, DC 20008

Tel: 202-247-2929
E-mail: maryfran@aspireip.com

Dated: November 13, 2014


Reinaldo M. Roa

EXHIBIT B

	X	
	:	
DELTA FAUCET COMPANY,	:	
	:	
Petitioner,	:	Cancellation No. 92/061,540
	:	Registration No. 4,625,940
v.	:	
	:	
AS IP HOLDCO, LLC,	:	
	:	
Respondent.	:	
	:	
	X	

Respondent AS IP Holdco, LLC (“Respondent”) hereby requests, pursuant to Fed. R. Civ. P. 34, that Petitioner Delta Faucet Company (“Petitioner”) produce the documents and tangible things in Petitioner’s possession, custody or control which are hereinafter identified or which concern the subject matters hereinafter described at the offices of Respondent’s counsel, Ladas & Parry LLP, 1040 Avenue of the Americas, New York, New York 10018.

A. The term "Respondent" shall mean, unless otherwise expressly indicated by the particular context, the named Respondent, AS IP Holdco, LLC, as well as shall include, both collectively and severally, any affiliated or related corporation or partnership of Respondent, including a subsidiary or affiliate thereof, any representative, agent or person acting or purporting to act on behalf of each such person or entity, and any predecessors or successors of any of them (or predecessors or successors to the property which is the subject matter of this Cancellation proceeding) and, where appropriate, the officers, agents, employees, servants,

representatives and attorneys of any one or more of them. Without limiting the generality of the foregoing, the term "Respondent" shall also include licensees of the named Respondent, as well as of the other persons or entities above described.

B. The term "Petitioner" shall mean, unless otherwise expressly indicated by the particular context, the named Petitioner, Delta Faucet Company, including, but not limited to, its predecessors, as well as shall include, both collectively and severally, each corporation or partnership in which the named Petitioner has a managerial interest, any affiliate, representative, agent or person acting or purporting to act on behalf of each such person or entity, and any predecessors or successors of any of them (or predecessors or successors to the property which is the subject matter of this Cancellation proceeding) and, where appropriate, the officers, agents, employees, servants, representatives and attorneys of any one or more of them. Without limiting the generality of the foregoing, the term "Petitioner" shall also include licensees, sublicensees, partners and joint venturers of the named Petitioner as well as of the other persons or entities above described.

C. The term "person" shall include, without limitation, individuals, associations, companies, divisions, corporations, partnerships, and any business entities, whether formal or informal.

D. The term "date" shall mean the exact day, month, and year, if ascertainable, or if not, the best approximation, including the relationship to other events.

E. The term "document" is synonymous in meaning and equal in scope to the usage of this term and the term "tangible thing" in the Federal Rules of Civil Procedure. A draft of a non-identical copy is a separate document within the meaning of this term. Without limiting the generality of the foregoing, the term "document" shall include any medium of any type or

description that is in the possession, custody, or control of the Petitioner and upon which intelligence or information is recorded or from which intelligence or information can be retrieved, including, without limitation, computer e-mail and voicemails.

F. The term “communication” means the transmittal of information in the form of facts, ideas, inquiries or otherwise.

G. The term “third party” shall include, without limitation, manufacturers, distributors, importers, merchants, retailers, wholesalers and ultimate purchasers but shall not include Respondent or Petitioner.

H. The terms “and” as well as “or” should be construed either disjunctively or conjunctively as necessary to bring within the scope of the request any information and documents which might otherwise be construed to be outside its scope. Wherever appropriate herein, the singular form of a word should be interpreted in the plural, and the plural should be interpreted in the singular as necessary to bring within the scope of a request any information and documents which might otherwise be construed to be outside its scope.

I. The term “concerning” means comprising, relating to, referring to, incorporating and regarding, whether directly or indirectly.

J. The term “LINDEN Mark” shall mean Petitioner’s LINDEN trademark, including any mark, trade name or commercial name used by Petitioner which includes the terms LINDEN or its legal equivalent or any LINDEN-formative Mark (with or without any accompanying words, designs, punctuation or numbers) or any colorable imitation of any of the foregoing (as defined by 15 U.S.C. § 1127) or Petitioner’s LINDEN Application No. 86/361,010. Whenever the term LINDEN Mark applies to different types of use, *e.g.*, trade name use as opposed to trademark use, the term LINDEN Mark should be interpreted so as to result in multiple

productions. By way of example only, if Petitioner's date of first use of the LINDEN Mark differs as between trade name and trademark use on products and variations thereof, including, inter alia, composite marks with design(s) or numbers, then productions as to each are to be made.

K. The term "Petitioner's Goods" means the specific products described in the Petition to Cancel, namely "faucets and related plumbing products" which Petitioner manufactures, renders, markets, promotes, offers for sale, or sells (or intends to do any of the foregoing) bearing, concerning or connected with the LINDEN Mark. Whenever Petitioner's Goods applies to more than one type of product, Petitioner's Goods should be interpreted so as to result in multiple productions. By way of example only, a request for production of documents concerning sales of Petitioner's Goods should be interpreted as requesting separate sales figures and documents for each type of product, not merely an aggregation of sales figures for all of the types of products falling within the scope of the term Petitioner's Goods.

Instructions

1. Where a response to a document request differs as between different entities or persons, multiple productions are contemplated. By way of example only, if the named Petitioner and a licensee of the named Petitioner have different first use dates, production pertaining to first use dates for both entities is to be made.

2. For each document which is withheld from production, whether under a claim or privilege or otherwise, provide a description of such document sufficient to enable Respondent to determine the validity of the claim of privilege, including (i) the names and titles of all authors and recipients of the document; (ii) the type of document or communication, e.g., letter, memo,

email, voicemail, etc.; (iii) the general subject matter of the document or communication; (iv) the date of the communication; and (v) the nature of the claimed privilege.

3. For each document or tangible thing otherwise responsive to any interrogatory, document request or request for admission which has been lost or destroyed since its preparation or receipt, state (i) the request to which it would be responsive; (ii) the circumstances whereby the document or tangible thing was lost or destroyed; and (iii) the identity of all persons having knowledge of such loss or destruction.

4. While certain requests in this First Request for Production of Documents may be overlapping in scope, these Requests are intended to be comprehensive, not redundant. To the extent that any document or thing falls within the scope of multiple requests, multiple productions are not contemplated; one production will suffice.

5. Each request shall be construed as seeking information concerning both Petitioner's present and future activities. By way of example only, a request concerning Petitioner's "use" of the LINDEN Mark shall be construed as seeking documents concerning Petitioner's present use as well as Petitioner's future, intended use of the LINDEN Mark.

6. These requests shall be deemed to be continuing in accordance with Fed. R. Civ. P. 26(e).

REQUESTS

1. All documents and tangible things identified in answer to Petitioner's First Set of Interrogatories;

2. Documents showing the organization of all entities falling within the scope of the term Petitioner;

3. Documents showing the ownership and management of all entities falling within the scope of the term Petitioner, including the identity of majority shareholders, directors and officers;

4. The legal and operational relationship between the named Petitioner and any affiliated or related entities, including licensees, sublicensees, distributors, wholesalers, partners, joint venturers and affiliates;

5. All documents concerning Petitioner's predecessors-in-interest, to the LINDEN Mark;

6. All documents concerning Petitioner's successors-in-interest, if any, to the LINDEN Mark;

7. All documents showing the assignment or transfer of rights from Petitioner's predecessor-in-interest to Petitioner, of the right to use LINDEN in the U.S.;

8. All documents related to the creation, selection and adoption by Petitioner of the LINDEN Mark, including other marks considered and at any time used in connection with the same Goods in connection with which Petitioner uses or intends to use the LINDEN Mark;

9. All documents relating to the meaning of LINDEN;

10. All documents relating to the meaning of LINDEN as it relates to Petitioner's Goods;

11. Any trademark searches, including searches of databases such as LEXIS, NEXIS, DIALOG or TRADEMARKSCAN, reports or investigations concerning the use or registration of the LINDEN Mark or any third party use of LINDEN or any confusingly similar trademark;

12. Any trademark searches, including searches of databases such as LEXIS, NEXIS, DIALOG or TRADEMARKSCAN, reports or investigations concerning the use, application or registration of Respondent's LYNDON Mark or any other third party use of LYNDON.

13. Any legal opinions concerning the LINDEN Mark or Petitioner's Goods;

14. Any legal opinion concerning the LYNDON Mark and Respondent's Goods;

15. All documents relating to Petitioner's first use in commerce of the LINDEN Mark;

16. Petitioner's first use in commerce, if any, of the LINDEN Mark in connection with any product other than Petitioner's Goods;

17. Any logo, design word or numbers used by Petitioner in connection with the LINDEN Mark;

18. Any agreements and/or licenses between Petitioner and a third party concerning the manufacture, use, marketing or sale of LINDEN and Petitioner's Goods;

19. Any documents in Petitioner's actual or constructive possession relating to sales of goods sold under the trademark LINDEN and/or Petitioner's Goods;

20. Any documents identifying the first customer who purchased Petitioner's Goods;

21. Any documents showing the continued and uninterrupted use of LINDEN by Petitioner, or, if use has ceased, the cessation of use;

21. Any changes, contemplated or made, in the LINDEN Mark or any logo, word, number or design used in connection with the LINDEN Mark, including art work, two specimen samples of each variation, and any related correspondence concerning the consideration and decision on whether to implement such changes;

22. Any marketing or consumer surveys undertaken concerning the BUGATTI Mark or Petitioner's Goods, including individual questionnaires, pilot studies and focus groups;

23. The filing of any federal or state trademark applications for the LINDEN Mark, including copies of corporate minutes, internal memoranda and correspondence concerning discussions and decisions to file such documents;

24. Any federal or state trademark applications and registrations concerning the LINDEN Mark at any time filed, prosecuted or maintained by Petitioner, including copies of maintenance documents (e.g., renewals, Section 8 and 15 affidavits), corporate minutes, internal memoranda and correspondence concerning discussions and decisions;

25. Any marketing or consumer surveys undertaken concerning the LINDEN Mark or Petitioner's Goods, including individual questionnaires, pilot studies and focus groups;

26. Any market research concerning the LINDEN Mark or Petitioner's Goods;

27. Any surveys, studies, communications or memoranda concerning the quality or standard of quality of Petitioner's Goods;

28. Any specifications for the manufacture or rendering of Petitioner's Goods;

29. Documents concerning the quality of Petitioner's Goods, including awards and the like concerning such quality;

30. Radio scripts, television videotapes, newspaper advertisements, point of sale displays, flyers and any other advertisements or promotional materials created or used at any time concerning Petitioner's Goods, including layouts, preliminary drawings and art work as well as all material available to Petitioner's distributors or members of the general public;

31. Publicity (both solicited and unsolicited) concerning Petitioner's Goods, including press releases and articles of any kind;

32. Two specimen samples of each advertisement and promotional piece concerning Petitioner's Goods;

33. Two specimen samples of any promotional products marketed in connection with Petitioner's Goods;

34. Two specimen samples of any other material concerning the marketing of Petitioner's Goods, including sales or information kits given, loaned or otherwise provided to distributors, sales persons or others involved in the marketing of Petitioner's Goods;

35. Two specimen samples of each document or tangible thing on which the symbol TM, SM or ® or other symbol or phrase of similar meaning is used in connection with the LINDEN Mark;

36. Documents showing when Respondent first began using the "TM" symbol in connection with the LINDEN Mark;

37. Two specimen samples of each flyer, brochure or other promotional item on or in connection with which Petitioner uses the LINDEN Mark;

38. Two specimen samples of each of Petitioner's products bearing the LINDEN Mark;

39. Documents showing the reasons for, and circumstances of, any period of time during which the Petitioner has not used the LINDEN Mark since the date of first use in the United States;

40. Documents showing the reasons for, and circumstances of, any period of time during which Petitioner's Goods have not been manufactured or rendered since the date of first use in the United States;

41. Communications between Petitioner and licensees, sublicensees, distributors or customers concerning Petitioner's Goods;
42. Communications between Petitioner and licensees concerning Petitioner's Goods;
43. Communications between Petitioner and Respondent's customers, affiliates, agents, *etc.* concerning Petitioner or Respondent's Goods;
44. Inquiries from and negotiations with third parties concerning the possibility of a license, sublicense, assignment or distribution agreement with Petitioner concerning the LINDEN Mark or Petitioner's Goods;
45. All past and current licenses, sublicenses, distributorships and assignments and other agreements, together with related correspondence or other documents, concerning the LINDEN Mark or Petitioner's Goods;
46. All security agreements concerning the LINDEN Mark;
47. Any joint ventures or partnerships concerning the LINDEN Mark and Petitioner's Goods;
48. All coexistence, settlement, consent or license agreements with third parties concerning the LINDEN Mark, including all memoranda and correspondence related thereto;
49. Communications between Petitioner and licensees concerning Petitioner's Goods;
50. All documents showing actual confusion amongst customers or potential customers concerning Petitioner's LINDEN Mark and Respondent's LYNDON Mark;
51. All documents showing actual confusion amongst customers or potential customers concerning Petitioner's Goods and Respondent's Goods.
52. All copies of misdirected mail, inquiries, orders, *etc.* sent to Petitioner from actual or potential customers seeking Respondent's LYNDON Goods;

53. All copies of misdirected mail, inquiries, orders, *etc.*, sent to Petitioner from actual or potential customers seeking a third party's LYNDON or LINDEN product.
54. Documents concerning compliance with any federal or state regulatory authority concerning the production, sale, promotion, or advertising of Petitioner's Goods;
55. Communications between Petitioner and Respondent concerning the LINDEN Mark or Petitioner's Goods, including, without limitation, notes of telephone conversations and meetings;
56. The retail outlets and other locations (including websites) at which Petitioner has or currently does market, promote, or sell Petitioner's Goods;
57. The outlets owned or operated by, or under the control of, Petitioner (including websites) through which Petitioner's Goods are marketed;
58. The manner of marketing (past, current and contemplated) of Petitioner's Goods, including channels of trade;
59. Any Internet web sites concerning the LINDEN Mark or Petitioner's Goods;
60. Any archival documents relating to past versions of Petitioner's websites wherein the LINDEN Mark is referenced for Petitioner's Goods;
61. Any documents relating to Petitioner's past offer for sale of Petitioner's Goods bearing the LINDEN Mark on any of its websites;
62. The class of purchasers of Petitioner's Goods, including past, current and projected class(es) of purchasers;
63. Documents indicating the customers and purchasers of Petitioner's Goods;
64. The specific products or services on or in connection with which Petitioner uses the LINDEN Mark;

65. Documents evidencing or otherwise concerning the cities and states where Petitioner markets, promotes, or sells Petitioner's Goods;
66. Documents evidencing Petitioner's use of LINDEN on products other than faucets;
67. Documents evidencing or otherwise concerning the annual amount of sales of Petitioner's Goods in units and U.S. dollars since Petitioner began commercial use of Petitioner's Goods;
68. Documents evidencing the manufacturer's suggested retail price and the actual price of Petitioner's Goods;
69. Documents evidencing or otherwise concerning the annual amount of advertising and promotional expenditures for Petitioner's Goods;
70. The amount of coverage (e.g., states, cities, number of viewers, number of times broadcast) for each television or radio commercial or news broadcast concerning Petitioner's Goods;
71. Communications threatening arbitration, litigation or other adversary proceeding (including, inter alia, opposition or Opposition and Cancellation proceedings) concerning the LINDEN Mark or Petitioner's Goods;
72. Any pending or concluded arbitration, litigation or adversary proceedings concerning the LINDEN Mark or Petitioner's Goods, with the exception of the present proceeding in the United States;

73. Any pending or concluded arbitration, litigation or adversary proceedings concerning the LINDEN Mark or Petitioner's Goods;

74. Third party uses, applications or registrations (or Petitioner's knowledge thereof) of the names or marks LINDEN, LYNDEN or LYNDON, any name or mark including the term LINDEN or LYNDON, or any name or mark which is confusingly similar thereto, on or in connection with products or services identical, similar or related to Petitioner's Goods;

75. Documents relating to Petitioner's knowledge of Respondent and its use of, and application for registration of, the trademark LYNDON or any other mark, including the term LYNDON, including Petitioner's first knowledge of same;

76. Petitioner's knowledge, including first knowledge, of Respondent's Application for LYNDON;

77. Communications between Petitioner and any third party concerning Respondent or Respondent's use of the trademark LYNDON or any other mark including the term LYNDON;

78. Communications between Petitioner and any third party concerning Respondent's LYNDON Registration No. 4,625,940;

79. Communications between Petitioner and any third party concerning the subject Cancellation proceedings;

80. Any documents supporting or controverting the allegations set forth in the Petitioner's Petition for Cancellation;

81. Any documents supporting or controverting the allegations set forth in Respondent's Answer to Petitioner's Petition for Cancellation;

82. Any documents supporting or controverting the allegations set forth in Respondent's counterclaim.

83. All documents that show Petitioner's continuing and uninterrupted use of LINDEN in connection with any goods or services for which Petitioner has filed a trademark application, or has obtained a trademark registration, or claims any common law rights in the United States;

84. All documents that refer to Petitioner's use of LINDEN® standing alone or in combination with other words or design(s).

85. All documents, including , *inter alia*, webpages, promotional brochures, advertising, POS displays, *etc.* that show LINDEN being used with the trademark registration symbol "®", such as LINDEN® standing alone or in combination with other words or designs.

86. All documents concerning the review and collection of documents and things requested herein or produced by Petitioner; and

87. Documents concerning Petitioner's document retention policy.

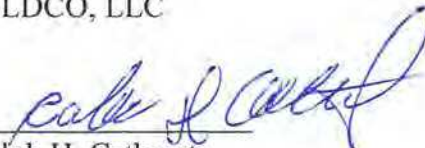
Respectfully submitted,

LADAS & PARRY LLP
Attorneys for Respondent

AS IP HOLDCO, LLC

Dated: November 13, 2015

By: _____


Ralph H. Cathcart
1040 Avenue of the Americas
New York, NY 10018
(212) 708-1920
(Our Ref: C14663936)

CERTIFICATE OF SERVICE

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **RESPONDENT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS** was served by first-class mail, postage prepaid, to the following persons:

Mary Frances Love, Esq.
Aspire IP
3509 Connecticut Avenue, N.W., PMB 130
Washington, DC 20008

Tel: 202-247-2929
E-mail: maryfran@aspireip.com

Dated: November 13, 2015

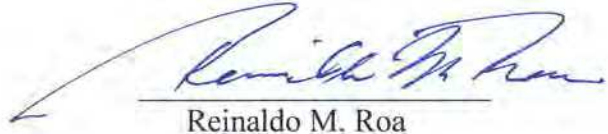

Reinaldo M. Roa

EXHIBIT C

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

	X	
	:	
DELTA FAUCET COMPANY,	:	
	:	
	:	
	:	Petitioner, : Cancellation No. 92/061,540
	:	: Registration No. 4,625,940
v.	:	
	:	
AS IP HOLDCO, LLC,	:	
	:	
	:	
	:	Respondent. :
	:	
	X	

RESPONDENT'S FIRST REQUEST FOR ADMISSIONS

Respondent AS IP Holdco, LLC, ("Respondent") by its attorneys, pursuant to Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, hereby requests that Petitioner, Delta Faucet Company ("Petitioner"), admit the truth of the following matters within thirty (30) days from the date of service hereof, as provided for in said rules. Respondent hereby incorporates the instructions and definitions from its First Request for Production of Documents in these Requests for Admissions.

REQUESTS

1. Respondent is the owner of LYNDON Registration No. 4,625,940.
2. Attached hereto as Exhibit A is a copy of a Trademark Electronic Search System ("TESS") status sheet for LYNDON Registration No. 4,625,940.
3. Petitioner does not own a registration for LINDEN for faucets or related plumbing goods.

4. Petitioner has alleged only common law rights as the basis for its Petition to Cancel.
5. Petitioner admits that LINDEN and LYNDON are not identical in spelling.
6. The recitation of goods for LYNDON Registration No. 4,625,940 covers “plumbing fixtures, namely, lavatories, toilet bowls, toilet tanks, bathtubs, shower stalls, urinals, bidets, hand wash basins in the nature of sinks, vanity basins in the nature of sinks, and kitchen sinks; plumbing fittings, namely, faucets, bathtub spouts and shower heads”.
7. The webpage from Petitioner’s www.deltafaucet.com website shown at Exhibit B shows LINDEN together with the ® symbol, namely LINDEN®.
8. The webpage at Exhibit B reads in part “LINDEN® KITCHIEN COLLECTION IS WATER EFFICIENT WITHOUT SACRIFICING PERFORMANCE”.
9. Petitioner does not own a trademark registration in the U.S. for LINDEN.
10. The webpage at Exhibit B falsely claims that Petitioner owns a registration for LINDEN®.
11. The date at the bottom of the webpage at Exhibit B is November 13, 2015.
12. Petitioner’s LINDEN Application No. 86/361,010 has not issued to registration.
13. The USPTO Examiner cited Respondent’s LYNDON Registration No. 4,625,940 as a potential bar to registration of LINDEN Application No. 86/361,010.
14. Attached as Exhibit C is a copy of the USPTO Office Action refusal against LINDEN Application No. 86/361,010.

15. Attached hereto as Exhibit D is a copy of a webpage from Delta Faucet's website at www.deltafaucet.com that states in part "The majestic appearance of the Linden tree inspired the Linden kitchen faucet".

16. Attached hereto as Exhibit E is a copy of a webpage from Supply House Times stating in part "Delta Faucet's Linden kitchen collection is based on the Linden Tree".

17. Petitioner based the product design of its faucets and shower heads sold under the LINDEN Mark on the Linden Tree.

18. Petitioner has documents, mock drafts, sketches or other related documents that show that Petitioner selected the LINDEN Mark because its products sold under the LINDEN Mark resemble the appearance of the Linden Tree.

19. Petitioner's use of LINDEN in connection with its Linden Tree shaped products is descriptive.

20. Petitioner has no documentary evidence showing actual confusion amongst consumers concerning Petitioner's Goods and Respondent's Goods.

21. Respondent has been using LYNDON since at least as early as January 2014.

22. Respondent always uses its LYNDON Mark in connection with or association with AMERICAN STANDARD.

23. Attached as Exhibit F is a webpage from www.dxv.com showing "LYNDON SINGLE LEVER BATHROOM Faucet Lyndon Collection in association with DXV American Standard.

24. Attached as Exhibit G is a webpage from www.dxv.com referencing LYNDON toilets, soaking tub and sinks together with a DXV Design Logo and American Standard.

25. According to Exhibit A, the TESS data sheet states that Respondent filed an Application for LYNDON on August 1, 2013.

26. Petitioner knew about the LYNDON Application No. 86/025,961 and chose not to oppose same.

27. Petitioner previously indicated that it was willing to coexist with Respondent's LYNDON Mark.

28. Petitioner previously requested that Respondent execute a Consent in favor of Petitioner's LINDEN Application No. 86/361,010. Petitioner delayed in opposing the LYNDON Application that issued to Registration No. 4,625,940.

29. Petitioner is aware of other third party uses of LINDEN or LYNDON being used in connection with related goods.

30. Petitioner is unaware of any marketplace confusion by consumers regarding the origin, source or endorsement of goods bearing the LYNDON Mark and LINDEN Mark.

31. Petitioner has never received mail or correspondence meant to be sent to Respondent regarding Petitioner's Goods.

32. Petitioner has never received an order or request to purchase LYNDON Goods.

33. Petitioner is unaware of Respondent ever receiving misdirected communications or orders related to Petitioner's LINDEN Goods.

34. Petitioner has never sent a letter or written communication to Respondent alleging that there was actual confusion between Petitioner's LINDEN Goods and Respondent's LYNDON Goods.

35. Petitioner admits that its LINDEN Goods are inferior in quality to Respondent's LYNDON Goods.

36. Petitioner admits that Respondent enjoys a good reputation among consumers for its products.

37. Petitioner admits that Respondent's products are well known by consumers.

38. Petitioner admits that Respondent's AMERICAN STANDARD mark is famous.

39. Petitioner admits that Respondent's AMERICAN STANDARD mark is well-known by consumers.

40. Petitioner admits that Respondent's AMERICAN STANDARD mark is well-known by the general public and relevant consumers.

41. Petitioner admits that it has not used LINDEN in connection with Petitioner's Goods without interruption since its claimed first use.

42. Petitioner admits that its LINDEN Goods look different from Respondent's LYNDON Goods.

43. Attached hereto as Exhibit H is a copy of webpages showing Petitioner's Goods.

44. Attached hereto as Exhibit I is a copy of webpages showing Respondent's Goods.

45. The products shown in Exhibits H and I are not identical in appearance.

46. The products shown in Exhibits H and I are not similar in appearance.

47. The products shown in Exhibits H and I are different in appearance.

48. Petitioner does not sell toilets, bathtubs or sinks under the trademark LINDEN

49. Petitioner admits that LYNDON is a distinctive or arbitrary mark for plumbing fixtures, namely, lavatories, toilet bowls, toilet tanks, bathtubs, shower stalls, urinals, bidets, hand wash basins in the nature of sinks, vanity basins in the nature of sinks, and kitchen sinks; plumbing fittings, namely, faucets, bathtub spouts and shower heads.

50. Petitioner admits that LINDEN is a descriptive mark when used in connection with Petitioner's Goods.

51. Petitioner admits that LINDEN is descriptive of the Linden Tree.

52. Petitioner admits that Petitioner's Goods were designed to resemble the Linden Tree.

53. Petitioner admits that Petitioner's Goods, in particular faucets and spouts, resemble the way the branches in a Linden Tree hang.

54. Petitioner admits that Petitioner's Goods resemble the shape of the Linden Tree.

Respectfully submitted,

Ladas & Parry LLP
Attorneys for Respondent
AS IP HOLDCO, LLC

Dated: November 13, 2015

By:


Ralph H. Cathcart
1040 Avenue of the Americas
New York, NY 10018-3738
(212) 708-1920
(Our Ref: C14662205)

CERTIFICATE OF SERVICE

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **RESPONDENT'S FIRST REQUEST FOR ADMISSIONS** was served on the person(s) listed below by First-Class Mail, postage prepaid, on the date indicated:

Mary Frances Love, Esq.
Aspire IP
3509 Connecticut Avenue, N.W., PMB 130
Washington, DC 20008

Tel: 202-247-2929
E-mail: maryfran@aspireip.com

Dated: November 13, 2015



Reinaldo M. Roa

EXHIBIT A



United States Patent and Trademark Office

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Record 1 out of 1

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(Use the "Back" button of the Internet Browser to return to TESS)

LYNDON

Word Mark	LYNDON
Goods and Services	IC 011 US 013 021 023 031 034, G & S: plumbing fixtures, namely, lavatories, toilet bowls, toilet tanks, bathtubs, shower stalls, urinals, bidets, hand wash basins in the nature of sinks, vanity basins in the nature of sinks, and kitchen sinks, plumbing fittings, namely, faucets, bathtub spouts and shower heads. FIRST USE: 20140101, FIRST USE IN COMMERCE: 20140101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86025961
Filing Date	August 1, 2013
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	December 24, 2013
Registration Number	4625940
Registration Date	October 21, 2014
Owner	(REGISTRANT) AS IP Holdco, LLC LIMITED LIABILITY COMPANY DELAWARE 1 Centennial Avenue Piscataway NEW JERSEY 08855
Attorney of Record	Jason Alexander
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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EXHIBIT B



LINDEN® KITCHEN COLLECTION IS WATER-EFFICIENT WITHOUT SACRIFICING PERFORMANCE

Search Media Room:

[Search Only Media Room](#)
[Search Entire Site](#)

Media Room

All Media Materials

[Kitchen](#)
[Bath](#)
[Smart Solutions](#)
[New Products](#)
[Corporate](#)

Video Gallery

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Image Gallery Search:

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Connect With Us:

Press Contact

For press inquiries, please contact:

Jacqueline Jones
MSLGROUP
312-861-5238

Linden® Kitchen Collection Is Water-Efficient Without Sacrificing Performance

Water-Saving Multi-Flow™ Wand Offers Multiple Settings

INDIANAPOLIS - Like the Linden tree - a strong, graceful presence in nature - the faucets in the Linden™ kitchen collection have a strong, graceful presence in the kitchen. The collection offers a variety of designs, including a deck-mount faucet, pull-out faucet and waterfall pull-out faucet. The Linden pull-out faucet models feature Multi-Flow™ functionality, offering consumers a powerhouse for water-efficiency without sacrificing performance.



"Transitional in style, the Linden faucet's smooth, simple lines allow it to blend into the décor of most any kitchen," noted Kurt Backlund, Delta brand senior product manager. "The attractive flared wand on the pull-out and waterfall models fits comfortably in the hand."

About the Linden® Collection:

Multi-Flow™ Technology

Available on the pull-out and waterfall models, the technology enables consumers to toggle easily between spray and stream functionality. For ordinary tasks, the standard flow rate is a water-efficient 1.5 gallons per minute (gpm), which saves up to 32 percent over the industry standard 2.2 gpm in the kitchen. A simple push button increases the flow of the aerated stream to a high performance flow of 2.0 gpm when more water is needed to fill pots, vases and sinks. The user can easily press the toggle button, or simply shut the water off, to return to the standard 1.5 gpm flow rate.

DIAMOND™ Seal Technology

DIAMOND Seal Technology combines a durable DIAMOND™ Valve with InnoFlex® PEX waterways. The valve requires no lubrication, eliminates wear on seals, and ensures "like new" operation for the life of the faucet, lasting up to 10 times longer than the industry standard. [1] The InnoFlex waterways eliminate potential leak points and are less hassle to install. Water does not come in contact with metal surfaces once inside the faucet, meeting all current and upcoming state and national legislation. [2]

Availability

The Linden faucet is available in Chrome, *Brilliance*® Stainless and Venetian Bronze® finishes.

Features specific to the Linden Waterfall Pull-out faucet

EXHIBIT C

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 86361010 MARK: LINDEN	*86361010*
CORRESPONDENT ADDRESS: EDGAR A. ZARINS Masco Corporation 21001 Van Born Rd Taylor, MI 48180-1300	CLICK HERE TO RESPOND TO THIS LETTER http://www.uspto.gov/trademarks/teas/resp
APPLICANT: Masco Corporation of Indiana	
CORRESPONDENT'S REFERENCE/DOCKET NO: 115-4792-T CORRESPONDENT E-MAIL ADDRESS:	

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE:

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Summary of Refusals and/or Requirements

The following is a summary of the requirements and/or refusals outlined below to which the applicant must respond.

- Likelihood of confusion refusal
- Amend identification and classification of goods
- Comply with classification rules

SECTION 2(d) REFUSAL: LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 4625940. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterro Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

In any likelihood of confusion determination, two key considerations are similarity of the marks and similarity or relatedness of the goods and/or services. *Syndicat Des Proprietaires Viticulteurs De Chateaufort-Du-Pape v. Pasquier DesVignes*, 107 USPQ2d 1930, 1938 (TTAB 2013) (citing *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976)); *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see* TMEP §1207.01. That is, the marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterro Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Additionally, the goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §1207.01, (a)(vi).

The Marks at Issue

The applicant seeks to register LINDEN in connection with unspecified “plumbing products.”

The registered mark is: LYNDON for plumbing fixtures, namely, lavatories, toilet bowls, toilet tanks, bathtubs, shower stalls, urinals, bidets, hand wash basins in the nature of sinks, vanity basins in the nature of sinks, and kitchen sinks; plumbing fittings, namely, faucets, bathtub spouts and shower heads.

Comparison of the Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re 1st USA Realty Prof’ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

The marks are essentially phonetic equivalents and thus sound similar. Similarity in sound alone may be sufficient to support a finding that the marks are confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re 1st USA Realty Prof’ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b)(iv).

Comparison of the Goods/Services

The goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) (“[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods.”); TMEP §1207.01(a)(i).

The respective goods and/or services need only be “related in some manner and/or if the circumstances surrounding their marketing [be] such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

The applicant’s broad identification of goods listed as “plumbing products” is broad enough to encompass the registrant’s more specific plumbing products. Therefore, the goods of the parties are identical.

With respect to applicant’s and registrant’s goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. See *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

Absent restrictions in an application and/or registration, the identified goods and/or services are “presumed to travel in the same channels of trade to the same class of purchasers.” *In re Viterro Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Additionally, unrestricted and broad identifications are presumed to encompass all goods and/or services of the type described. See *In re Jump Designs, LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006) (citing *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981)); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

In this case, the identification set forth in the application and registration(s) has no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods and/or services travel in all normal channels of trade, and are available to the same class of purchasers. Further, the application uses broad wording to describe the goods and/or services and this wording is presumed to encompass all goods and/or services of the type described, including those in registrant's more narrow identification.

Based on the foregoing, registration is refused under Section 2(d) of the Trademark Act.

ADDITIONAL REQUIREMENTS

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

AMEND IDENTIFICATION AND CLASSIFICATION OF GOODS

The wording "plumbing products" in the identification of goods is indefinite and must be clarified because it is broad enough to include "products" in more than one class. *See* TMEP §1402.01.

Applicant must amend the identification to specify the common commercial name of the goods. If there is no common commercial name, applicant must describe the product and its intended uses. *See id.*

The identification must be specific and all-inclusive. Applicant may amend the identification to list only those items that are within the scope of the goods set forth in the application or within the scope of a previously accepted amendment to the identification. *See* 37 C.F.R. §2.71(a); TMEP §§1402.06 *et seq.*, 1402.07.

The applicant may amend to any of the following, as may be accurate:

- Class 6: plumbing products, namely, metal hoses for plumbing use
- Class 7: plumbing products, namely, power-operated plumbing snakes
- Class 8: plumbing products, namely, hand-operated plumbing snakes
- Class 11: plumbing products, namely, toilets, sinks and faucets

The applicant is advised that the above suggestions may not be a complete listing of acceptable specifications available to the applicant, but are instead provided only as suggestions. It is the applicant's duty to properly identify and classify the goods and services. TMEP Section 1402.01(e). For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual* at <http://tess2.uspto.gov/netahtml/tidm.html>. *See* TMEP §1402.04.

Please also note that the applicant may not use the indefinite wording "and/or," "or," or "etc." in its identification of goods/services. The applicant must use the more definite word "and" when listing more than one item. The applicant may not use parentheses in its description of goods/services. The examining attorney may have used them above merely to indicate wording that requires further amendment.

MULTI-CLASS FILING RULES

The application identifies goods and/or services in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on Trademark Act Section 1(b):

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class.
- (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the USPTO's current fee schedule at http://www.uspto.gov/trademarks/tm_fee_info.jsp). The application identifies goods and/or services that are classified in at least two classes; however, applicant submitted a fee(s) sufficient for only one class(es). Applicant must either submit the filing fees for the classes not covered by the submitted fees or restrict the application to the number of classes covered by the fees already paid.

See 15 U.S.C. §§1051(b), 1112, 1126(e); 37 C.F.R. §§2.32(a)(6)-(7), 2.34(a)(2)-(3), 2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(b) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, please go to <http://www.uspto.gov/trademarks/law/multiclass.jsp>.

FEES

The filing fees for adding classes to an application are as follows:

- (1) A \$325 fee per class, when the fees are submitted with an electronic response filed online at http://www.uspto.gov/trademarks/teas/response_forms.jsp, via the Trademark Electronic Application System (TEAS).
- (2) A \$375 fee per class, when the fees are submitted with a paper response.

37 C.F.R. §2.6(a)(1)(i)-(ii); TMEP §§810, 1403.02(c).

NOTE: APPLICABLE LEGAL AUTHORITIES

The USPTO applies the following legal authorities when processing a trademark and/or service mark application:

- The Trademark Act of 1946, as amended
- The Trademark Rules of Practice, as amended
- Precedential court and Trademark Trial and Appeal Board decisions
- The USPTO's *Trademark Manual of Examining Procedure* (TMEP), as periodically updated
- The USPTO's *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), as periodically updated

See 15 U.S.C. §§1051 *et seq.*; 37 C.F.R. pts. 2, 3, 6, 7, 11; TMEP intro., §§101, 107, 110.

Official USPTO letters and notices sent to applicants generally refer to one or more of these legal resources. Both the Trademark Act and Trademark Rules of Practice can be viewed online at <http://www.uspto.gov/trademarks/law/index.jsp>. The TMEP is available online at <http://www.uspto.gov/trademarks/resources/index.jsp> and the TBMP and Trademark Trial and Appeal Board decisions are available online at <http://www.uspto.gov/trademarks/process/appeal/index.jsp>.

The acronym "TMEP" used in official USPTO letters and notices refers to the USPTO's *Trademark Manual of Examining Procedure*, a manual written by USPTO staff attorneys that explains the laws and procedures governing the trademark application, registration, and post-registration processes. The USPTO updates the TMEP periodically to reflect changes in law, policy, and procedure and notes each new version by the month and year it issues. The current version of the TMEP is available online at <http://www.uspto.gov/trademarks/resources/index.jsp>.

An applicant may check the status of or view documents filed in his or her trademark and/or service mark application or registration 24 hours a day, 7 days a week using the Trademark Status and Document Retrieval (TSDR) database on the USPTO website at <http://tsdr.uspto.gov/>. To obtain this status or view these documents, enter the application serial number or registration number and click on "Status" or "Documents."

/Elissa Garber Kon/
Examining Attorney, Law Office 106
phone: 571-272-9181
email: elissagarber.kon@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp.

Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

EXHIBIT D

Wayback Machine 51 captures 3 Oct 09 - 13 Sep 14 http://www.deltafaucet.com/kitchen/collection/linden.html Go APR MAY JUN 21 2010 2011 2012



see what Delta can do

- United States
- Canada

Linden Collection

The majestic appearance of the Linden tree inspired the Linden kitchen faucet - a fresh design that will bring life to any kitchen.

View photos of products in this collection Linden Brochure Email Collection
Share

Kitchen Products

Show:

- ☒ Faucets
- ☒ Accessories

Sort by:

- ☒ Model Number
- ☐ Newer Products First
- ☐ Price (low to high)
- ☐ Price (high to low)

View: ☐ Compact ☒ Detailed

Select the number of results you would like to display per page:

Make this my default ☒ 15 ☐ 30 ☐ 50 ☐ 100 ☐ All

[update](#)

[save all](#)

Page: 1

1-7 of 7



Model: **1353-DST**

Price as shown: **\$155.25**

1 or 3-hole 8" installation

[Go to Product Details](#)

Linden Single Handle Kitchen Faucet

EXHIBIT E



As seen at KBIS 2011: the Kitchen & Bath Industry Show held April 26-28 in Las Vegas provided a more intimate venue for product introductions.



Supply House Times
July 1, 2011 | Lenius, Pat

KBIS 2011 seemed a bit smaller in size and met mid-week as opposed to Friday through Sunday, but vendors expressed satisfaction with booth traffic and leads generated. Here are some highlights:

One of the most talked-about product categories at KBIS 2011 was the bidet seat, or "smart toilet" with bidet functionality. American Standard Brands presented its Porcher electronic bidet seat for elongated bowls; first-time KBIS exhibitor INAX demonstrated its Regio and Satis bidet seats, which feature two spray nozzles, light, heat and music; TOTO showed its Washlet B100, a new introductory model at an aggressive price point; and Kohler unveiled Numi, which has bidet functionality and deodorizer built into the vitreous china as opposed to the seat; just to name a few!

Another trend observed was product design patterned after nature. TOTO's contemporary Legato suite, inspired by a bird in flight, includes lavatories, toilets, showerhead, faucets and trim. Delta Faucet's Linden kitchen collection is based on the linden tree. Brizo's new kitchen faucet Vuelo, which means "flight" in Portuguese, resembles a swan with its wings spread in flight.

Among the finishes featured were champagne bronze and Arctic stainless by Delta Faucet, cocoa bronze by Brizo and rose bronze by TOTO. Kohler unveiled the color Dune, an off-white that is slightly darker than biscuit, and Myson displayed products in a satin (matte) white.

Paul DeBoo of Sloan Valve reported growing interest in green technology and some growth in the renovation and replacement business. He noted that high-efficiency toilets are still getting a lot of buzz. A spokesman for Your Other Warehouse said they have seen an uptick in sales, with some weeks generating volume unheard of before now.

EXHIBIT F

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LYNDON SINGLE LEVER BATHROOM FAUCET

Lyndon Collection

Pure forms that emphasize geometry and precision.

Color / Finish: **Polished Chrome**



EXHIBIT G

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Lyndon



Lyndon One Piece
Elongated Dual
Flush Toilet



Lyndon Two-Piece
Elongated Dual
Flush Toilet



Lyndon
Freestanding
Soaking Tub




Lyndon Wall-Hung
Bathroom Sink



EXHIBIT H

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linden

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Product Type

[2 Item Combo](#) (3)[3 Item Combo](#) (1)[Accessory](#) (1)[Diverter](#) (2)[Kitchen](#) (11)[Lavatory](#) (8)

Brand

[Delta](#) (98)

Color

[Bronze Tones](#) (80)[Chromes](#) (86)[Gold Tones](#) (49)[Not Applicable](#) (3)[Stainless Steel](#) (88)

Installation Type

[Deck Mounted](#) (18)[Wall Mounted](#) (15)

Installation Type

[Centerset](#) (4)[Single Hole](#) (6)[Vessel](#) (1)[Wall Mounted](#) (11)[Widespread](#) (2)

Price

[\\$50 and Below](#) (40)[\\$100 and Below](#) (61)[\\$200 and Below](#) (81)[\\$300 and Below](#) (87)[\\$400 and Below](#) (90)[\\$500 and Below](#) (94)

Sort By: Best Selling

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Results Per Page: [12](#) | [24](#) | [48](#) | [96](#)[Previous](#)[2](#)[3](#)[Next »](#)**Delta T17294-1**

Linden Monitor 17 Series Dual Function Pressure Balanced Shower Trim Package with In2ition Shower Head / Hand Shower and Integrated Volume Control - Less Rough-In Valve

Our Price: \$120.00 - \$179.18

You Save: 38%

Linden Collection

Available in 4 Finishes

from 35 customers

313 Replacement Parts

Compare

**Delta 79424**

Linden 24" Towel Bar

Our Price: \$27.62 - \$40.05

You Save: 39%

Linden Collection

Available in 4 Finishes

from 3 customers

40

Compare

**Delta 2594-MPU-DST**

Linden Centerset Bathroom Faucet with Pop-Up Drain Assembly - Includes Lifetime Warranty

Our Price: \$91.88 - \$137.80

You Save: 38%

Linden Collection

Available in 4 Finishes

from 11 customers

91

Compare

**Delta T17094**

Linden Monitor 17 Series Dual Function Pressure Balanced Valve Trim Package with Integrated Volume Control - Less Rough-In Valve

Our Price: \$86.83 - \$138.88**Delta 3594-MPU-DST**

Linden Widespread Bathroom Faucet with Pop-Up Drain Assembly - Includes Lifetime Warranty

Our Price: \$158.97 - \$233.68

You Save: 37%

**Delta 594-MPU-DST**

Linden Single Hole Bathroom Faucet with Pop-Up Drain Assembly and Optional Base Plate - Includes Lifetime Warranty

Our Price: \$131.35 - \$192.85

Height

- [0 to 5 Inches](#) (5)
[5 to 10 Inches](#) (17)
[10 to 15 Inches](#) (12)

Length

- [0 to 5 Inches](#) (1)
[5 to 10 Inches](#) (1)
[15 to 20 Inches](#) (1)
[20 to 25 Inches](#) (1)

Width

- [0 to 10 Inches](#) (10)
[10 to 15 Inches](#) (2)
[15 to 20 Inches](#) (2)
[20 to 25 Inches](#) (2)
[30 to 35 Inches](#) (1)

Faucet Centers

- [Single Hole](#) (13)
[3 to 6 Inches](#) (6)
[6 to 9 Inches](#) (14)
[9 to 12 Inches](#) (4)
[12 to 15 Inches](#) (4)
[15 to 18 Inches](#) (4)

Spout Height

- [3 to 4 Inches](#) (2)
[4 to 5 Inches](#) (4)
[5 to 6 Inches](#) (14)
[9 to 10 Inches](#) (3)

Number Of Handles

- [1](#) (28)
[2](#) (18)
[3](#) (5)

Features

- [Pullout Spray](#) (7)
[WaterSense Certified](#) (17)
[ADA Compliant](#) (47)
[Handshower Included](#) (10)
[Slide Bar Included](#) (7)
[Drain Assembly Included](#) (11)

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You Save: 38%
 Linden Collection
 Available in 4 Finishes
 from 6 customers

24 Replacement Parts

Compare

**Delta 4153-DST**

Linden Pull-Out Kitchen Faucet with Temporary Flow Increase and Optional Base Plate - Includes Lifetime Warranty

Our Price: \$206.68 - \$299.67

You Save: 30%
 Linden Collection
 Available in 3 Finishes
 from 31 customers

67 Replacement Parts

Compare

**Delta 4453-DST**

Linden Kitchen Faucet with Side Spray and Optional Base Plate - Includes Lifetime Warranty

Our Price: \$116.87 - \$169.48

You Save: 37%
 Linden Collection
 Available in 3 Finishes
 from 21 customers

42 Replacement Parts

Compare

Linden

Linden Collection
 Available in 4 Finishes
 from 5 customers

83 Replacement Parts

Compare

**Delta T17494-I**

Linden Monitor 17 Series Dual Function Pressure-Balanced Tub and Shower Trim Package with In2ition Shower Head - Hand Shower and Integrated Volume Control - Less Rough-In Valve

Our Price: \$131.87 - \$198.15

You Save: 38%
 Linden Collection
 Available in 4 Finishes
 from 13 customers

224 Replacement Parts

Compare

**Delta 79435**

Linden Robe Hook

Our Price: \$16.03 - \$23.28

You Save: 39%
 Linden Collection
 Available in 4 Finishes
 from 3 customers

48

Compare

You Save: 38%
 Linden Collection
 Available in 4 Finishes
 from 10 customers

80 Replacement Parts

Compare

**Delta 4353-DST**

Linden Pull-Out Kitchen Faucet with Temporary Flow Increase and Option Base Plate - Includes Lifetime Warranty

Our Price: \$153.08 - \$242.05

You Save: 37%
 Linden Collection
 Available in 3 Finishes
 from 64 customers

67 Replacement Parts

Compare

**Delta 79446**

Linden Towel Ring

Our Price: \$16.03 - \$23.28

You Save: 39%
 Linden Collection
 Available in 4 Finishes
 from 2 customers

47

Compare



Delta T11894

Linden Three Function Diverter Valve Trim - Two Independent Positions. One Shared Position

Our Price: \$80.97 - \$129.52

You Save: 38%

Linden Collection

Available in 4 Finishes

from 7 customers

18 Replacement Parts

Compare



Delta 79450

Linden Pivoting Tissue Holder

Our Price: \$21.11 - \$30.57

You Save: 39%

Linden Collection

Available in 4 Finishes

from 8 customers

59

Compare



Delta 79418

Linden 18" Towel Bar

Our Price: \$25.45 - \$36.89

You Save: 39%

Linden Collection

Available in 4 Finishes

from 1 customers

29

Compare



Delta 794-DST

Linden Vessel Bathroom Faucet - Includes Lifetime Warranty

Our Price: \$167.59 - \$251.38

You Save: 37%

Linden Collection

Available in 4 Finishes

from 4 customers

43 Replacement Parts

Compare



Delta 1353-DST

Linden Kitchen Faucet with Optional Base Plate - Includes Lifetime Warranty

Our Price: \$102.61 - \$148.83

You Save: 38%

Linden Collection

Available in 3 Finishes

from 16 customers

22 Replacement Parts

Compare



Delta T14294

Linden Monitor 14 Series Single Function Pressure Balanced Shower Trim Package with Touch Clean Shower Head - Less Rough-In Valve

Our Price: \$72.32 - \$115.72

You Save: 38%

Linden Collection

Available in 4 Finishes

from 3 customers

65 Replacement Parts

Compare



Delta T17294

Linden Monitor 17 Series Dual Function Pressure Balanced Shower Trim Package with H2Okinetic Shower Head and Integrated Volume Control - Less Rough-In Valve



Delta T4794

Linden Roman Tub Faucet Trim with Hand Shower

Our Price: \$243.94 - \$390.26

You Save: 38%



Delta T14494

Linden Monitor 14 Series Single Function Pressure Balanced Tub and Shower Trim Package with Touch Clean Shower Head - Less Rough-In Valve

Our Price: \$101.43 - \$159.96

You Save: 38%

Linden Collection

Available in 4 Finishes

29 Replacement Parts

Compare



Delta T11994

Linden Six Function Diverter Valve Trim - Three Independent Positions, Three Shared Positions

Our Price: \$80.97 - \$129.52

You Save: 38%

Linden Collection

Available in 4 Finishes

8 Replacement Parts

Compare



Delta 3353-DST

Linden Kitchen Faucet with Side Spray - Includes Lifetime Warranty

Our Price: \$116.87 - \$169.48

You Save: 37%

Linden Collection

Available in 3 Finishes

from 1 customers

13 Replacement Parts

Compare

Linden

Linden Collection

Available in 4 Finishes

from 1 customers

49 Replacement Parts

Compare



Delta 4353T-DST

Linden Pull-Out Kitchen Faucet with On/Off Touch Activation, Temporary Flow Increase, and Optional Base Plate - Includes Lifetime Warranty (5 Year on Electronic Parts)

Our Price: \$281.40 - \$360.60

Linden Collection

Available in 3 Finishes

from 7 customers

11

Compare



Delta T14094

Linden Monitor 14 Series Single Function Pressure Balanced Valve Trim Package - Less Rough-In Valve

Our Price: \$63.02 - \$100.81

You Save: 38%

Linden Collection

Available in 4 Finishes

from 3 customers

7 Replacement Parts

Compare

Our Price: \$92.97 - \$151.19

You Save: 37%

Linden Collection

Available in 4 Finishes

from 4 customers

67 Replacement Parts

Compare



Delta T2794

Linden Roman Tub Faucet Trim

Our Price: \$150.63 - \$240.96

You Save: 38%

Linden Collection

Available in 4 Finishes

from 4 customers

29 Replacement Parts

Compare



Delta T14194

Linden Monitor 14 Series Single Function Pressure Balanced Tub-Only Trim Package - Less Rough-In Valve

Our Price: \$72.32 - \$115.72

You Save: 38%

Linden Collection

Available in 3 Finishes

from 1 customers

23 Replacement Parts

Compare

Linden



Delta T17494

Linden Monitor 17 Series Dual Function Pressure Balanced Tub and Shower Trim Package with H2Okinetic Shower Head and Integrated Volume Control - Less Rough-In Valve

Our Price: \$112.59 - \$178.84

You Save: 38%

Linden Collection

Available in 4 Finishes

from 3 customers

22 Replacement Parts

Compare



Delta T14494-H2O

Linden Monitor 14 Series Single Function Pressure Balanced Tub and Shower Trim Package with H2Okinetic Shower Head - Less Rough-In Valve

Our Price: \$99.85 - \$157.57

You Save: 38%

Linden Collection

Available in 3 Finishes

from 1 customers

9 Replacement Parts

Compare



Delta T14294-H2O

Linden Monitor 14 Series Single Function Pressure Balanced Shower Trim Package with H2Okinetic Shower Head - Less Rough-In Valve

Our Price: \$79.17 - \$122.64

You Save: 38%

Linden Collection

Available in 3 Finishes

8 Replacement Parts

Compare



Delta RP62778

Linden Trim Ring, Gasket, And Base

Our Price: \$15.45 - \$22.40

You Save: 2%

Linden Collection

Available in 4 Finishes

1

Compare



Delta Linden Monitor 14 Series Shower Package

with Shower Head and Jetted Diverter Trim

Our Price: \$361.72 - \$476.24

You Save: 34%

Linden Collection

Available in 4 Finishes

6

Compare



Delta 4453-DST-SD

Linden Kitchen Faucet with Side Spray and Soap/Lotion Dispenser - Includes Lifetime Warranty

Our Price: \$141.98 - \$205.87

You Save: 36%

Linden Collection

Available in 3 Finishes

14

Compare



Delta 4353-DST-SD

Linden Pull-Out Kitchen Faucet with Temporary Flow Increase and Soap/Lotion Dispenser - Includes Lifetime Warranty



Delta 4153-DST-SD

Linden Pull-Out Kitchen Faucet with Temporary Flow Increase and Soap/Lotion Dispenser - Includes Lifetime Warranty



Delta 2594-TP-DST

Linden Centerset Bathroom Faucet with Diamond Seal Technology - Includes Plastic Pop-Up Drain (3 Pack)

Linden

Our Price: **\$170.11 - \$261.39**

You Save: 36%

Linden Collection

Available in 3 Finishes

16

[Compare](#)



Delta 594-MPU-DST.P2021

Linden Single Hole Bathroom Faucet with Diamond Seal Technology - Includes Matching Progress Lighting Four Light Bathroom Vanity Light

Our Price: **\$232.87 - \$293.20**

Linden Collection

Available in 3 Finishes

4

[Compare](#)



Delta 594-MPU-DST.P2018

Linden Single Hole Bathroom Faucet with Diamond Seal Technology - Includes Two Matching Progress Lighting Single Light Bathroom Sconces

Our Price: **\$196.78 - \$257.11**

Linden Collection

Available in 3 Finishes

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Our Price: **\$231.79 - \$336.06**

Linden Collection

Available in 3 Finishes

18

[Compare](#)



Delta 594-MPU-DST.P2020

Linden Single Hole Bathroom Faucet with Diamond Seal Technology - Includes Matching Progress Lighting Three Light Bathroom Vanity Light

Our Price: **\$208.84 - \$269.17**

Linden Collection

Available in 3 Finishes

1

[Compare](#)



Delta 4353T-DST-SD

Linden Pull-Out Kitchen Faucet with On/Off Touch Activation, Temporary Flow Increase, Touch Clean, and Soap/Lotion Dispenser - Includes Lifetime Warranty (5 Year on Electronic Parts)

Our Price: **\$306.51 - \$396.89**

You Save: 30%

Linden Collection

Available in 3 Finishes

7

[Compare](#)

Our Price: **\$80.26 - \$120.44**

You Save: 36%

Linden Collection

Available in 3 Finishes

[Compare](#)



Delta 594-MPU-DST.P2019

Linden Single Hole Bathroom Faucet with Diamond Seal Technology - Includes Matching Progress Lighting Two Light Bathroom Vanity Light

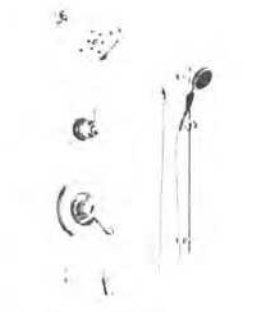
Our Price: **\$190.84 - \$251.17**

Linden Collection

Available in 3 Finishes

1

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Delta DSS-Linden-1704

Monitor 17 Series Pressure Balanced Tub and Shower System with Volume Control, Shower Head, Hand Shower, and Slide Bar - Includes Rough-In Valves

Our Price: **\$505.95 - \$744.87**

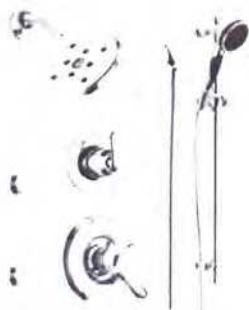
You Save: 34%

Linden Collection

Available in 4 Finishes

4

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**Delta DSS-Linden-1703**

Monitor 17 Series Dual Function Pressure Balanced Shower System with Integrated Volume Control, Shower Head, 2 Body Sprays and Hand Shower - Includes Rough-In Valves

Our Price: \$624.17 - \$907.46

You Save: 33%

Linden Collection

Available in 4 Finishes

11

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**Delta DSS-Linden-1702**

Monitor 17 Series Dual Function Pressure Balanced Shower System with Integrated Volume Control, Shower Head, and 2 Body Sprays - Includes Rough-In Valves

Our Price: \$413.34 - \$570.28

You Save: 35%

Linden Collection

Available in 4 Finishes

4

[Compare](#)
**Delta DSS-Linden-1701**

Monitor 17 Series Dual Function Pressure Balanced Shower System with Integrated Volume Control, Shower Head, and Hand Shower - Includes Rough-In Valves

Our Price: \$495.01 - \$726.36

You Save: 34%

Linden Collection

Available in 4 Finishes

74

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**Delta DSS-Linden-1404**

Monitor 14 Series Pressure Balanced Tub and Shower System with Shower Head, Hand Shower, and Slide Bar - Includes Rough-In Valves

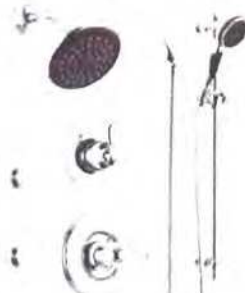
Our Price: \$486.73 - \$717.77

You Save: 34%

Linden Collection

Available in 4 Finishes

4

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**Delta DSS-Linden-1403**

Monitor 14 Series Single Function Pressure Balanced Shower System with Shower Head, 2 Body Sprays and Hand Shower - Includes Rough-In Valves

Our Price: \$595.65 - \$864.09

You Save: 32%

Linden Collection

Available in 4 Finishes

16

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**Delta DSS-Linden-1402**

Monitor 14 Series Single Function Pressure Balanced Shower System with Shower Head, and 2 Body Sprays - Includes Rough-In Valves

Our Price: \$384.82 - \$526.91

You Save: 34%

Linden Collection

Available in 4 Finishes

12

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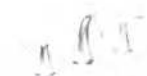
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Delta 2594-SSMPU-DST Brilliance Stainless Linden Centerset Bathroom Faucet with Pop-Up Drain Assembly - Includes Lifetime Warranty

Item #: BCI2417601



View the entire [Linden Collection](#)

\$91.88 - \$137.80

Originally \$148.20 - \$222.25, You Save 38%

91

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5/5 [Read 11 Reviews](#) [Write a Review](#)

Shipping: **Free Shipping!** [See Details](#)

Finish: **Brilliance Stainless - In Stock - \$128.62** ▼

[Tech Specs](#)


96 In Stock

Leaves the Warehouse Monday, November 9th

1 Qty

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Product Videos

[Delta Video: WaterSense Certified Faucets](#)

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**People Who Viewed Delta 2594-MPU-DST
Ultimately Bought**

Product Details for the Delta 2594-SSMPU-DST in Brilliance Stainless.

Product Features:

- Made in the U.S.A. (Manufacturing plants: Greensburg, Indiana; Jackson, Tennessee)
- Fully covered under Delta's limited lifetime warranty
- All-brass faucet construction
- Superior finishing process - faucet finish covered under lifetime warranty
- The design was inspired by a strong presence in nature like that of a tree with reaching branches
- Double handle 1/4 turn operation



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Delta 3594-SSMPU-DST Brilliance Stainless Linden Widespread Bathroom Faucet with Pop-Up Drain Assembly - Includes Lifetime Warranty

Item #: BC12417621



View the entire [Linden Collection](#)

\$158.97 - \$233.68

Originally \$256.40 - \$376.90, You Save 38%

84

[Compare](#)

5/5 [Read 5 Reviews](#)

[Write a Review](#)

Shipping:

Free Shipping! [See Details](#)

Finish:

Brilliance Stainless - In Stock - \$218.12 ▼

[Tech Specs](#)

293 In Stock

Leaves the Warehouse Monday, November 9th

1

Qty

[Delta 3594-MPU-DST Replacement Parts](#)

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 Earn **159 - 234** points with the purchase of this product [Learn More](#)

Product Videos

[Delta Video: WaterSense Certified Faucets](#)

[Delta WaterSense Partner Overview](#)



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**People Who Viewed Delta 3594-MPU-DST
Ultimately Bought**

Product Details for the Delta 3594-SSMPU-DST in Brilliance Stainless

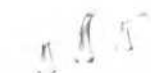
Product Features:

- Made in the U.S.A. (Manufacturing plants: Greensburg, Indiana, Jackson, Tennessee)
- Fully covered under Delta's limited lifetime warranty
- All-brass faucet construction
- Superior finishing process - faucet finish covered under lifetime warranty
- The design was inspired by a strong presence in nature like that of a tree with reaching branches
- With a full suite of products including matching accessories, the Linden Bath Collection



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Delta 594-SSMPU-DST Brilliance Stainless Linden Single Hole Bathroom Faucet with Pop-Up Drain Assembly and Optional Base Plate - Includes Lifetime Warranty

Item #: BCI1794820



View the entire [Linden Collection](#)

\$131.35 - \$192.85

Originally \$211.85 - \$311.05, You Save 38%

80 Compare

4/5 [Read 10 Reviews](#) [Write a Review](#)

Shipping: **Free Shipping!** [See Details](#)

Finish: **Brilliance Stainless - In Stock - \$175.74** ▼

[Tech Specs](#)

110 In Stock


Leaves the Warehouse Monday, November 9th

1 Qty

[Delta 594-MPU-DST Replacement Parts](#) [Return Policy](#)

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[Ask A Question](#)

 Earn **131 - 193** points with the purchase of this product [Learn More](#)

Product Details for the Delta 594-SSMPU-DST in Brilliance Stainless

Product Features:

- Made in the U.S.A. (Manufacturing plants: Greensburg, Indiana; Jackson, Tennessee)
- Fully covered under Delta's limited lifetime warranty
- All-brass faucet construction
- Superior finishing process - faucet finish covered under lifetime warranty
- The design was inspired by a strong presence in nature like that of a tree with reaching branches
- With a full suite of products including matching accessories, the Linden Bath Collection complements most any bath
- Single handle operation
- Includes cover plate (escutcheon) for sinks with 3-holes (4" centers)
- ADA compliant
- Low lead compliant - complies with federal and state regulations for lead content
- Designed to easily connect to standard U.S. plumbing supply bibs
- Extra secure mounting assembly



see what Delta can do™



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**People Who Viewed Delta 594-MPU-DST
Ultimately Bought**



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Delta 4153-AR-DST Arctic Stainless Linden Pull-Out Kitchen Faucet with Temporary Flow Increase and Optional Base Plate - Includes Lifetime Warranty

Item #: BCI2103829



View the entire [Linden Collection](#)

\$206.68 - \$299.67

Originally \$295.25 - \$428.10, You Save 30%

67

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4.5/5 [Read 31 Reviews](#) [Write a Review](#)

Shipping: **Free Shipping!** [See Details](#)

Finish: Arctic Stainless - In Stock - \$279.06 ▼

[Tech Specs](#)

145 In Stock

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1 Qty

[Delta 4153-DST Replacement Parts](#)

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Product Videos

[Delta Video: Multi-Flow](#)

A toggle on a Multi-Flow wand increases the stream from the standard 1.5GPM to a higher flow to more quickly fill the sink as well as pots, vases, or other large containers.

[Delta Video: Linden Collection](#)

Inspired by nature and featuring Delta DIAMOND Seal Technology, the Linden Kitchen Series has a fresh design that will bring life to any kitchen.

Product Details for the Delta 4153-AR-DST in Arctic Stainless

Product Features:

- Made in the U.S.A. (Manufacturing plants: Greensburg, Indiana; Jackson, Tennessee)
- Fully covered under Delta's limited lifetime warranty
- All-brass faucet body and handle construction



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Delta 4353-AR-DST Arctic Stainless Linden Pull-Out Kitchen Faucet with Temporary Flow Increase and Option Base Plate - Includes Lifetime Warranty

Item #: BCI2103830



View the entire [Linden Collection](#)

\$153.08 - \$242.05

Originally \$246.90 - \$390.40. You Save 38%

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4/5 [Read 64 Reviews](#) [Write a Review](#)

Shipping: **Free Shipping!** [See Details](#)

Finish: Arctic Stainless - In Stock - \$185.66 ▼

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1 Qty



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Product Videos

[Delta Video: Multi-Flow](#)

A toggle on a Multi-Flow wand increases the stream from the standard 1.5GPM to a higher flow to more quickly fill the sink as well as pots, vases, or other large containers.

[Delta Video: Linden Collection](#)

Inspired by nature and featuring Delta DIAMOND Seal Technology, the Linden Kitchen Series has a fresh design that will bring life to any kitchen.

Product Details for the Delta 4353-AR-DST in Arctic Stainless


Product Features:

- Made in the U.S.A. (Manufacturing plants: Greensburg, Indiana; Jackson, Tennessee)
- Fully covered under Delta's limited lifetime warranty
- All-brass faucet body and handle construction



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Delta 4453-AR-DST Arctic Stainless Linden Kitchen Faucet with Side Spray and Optional Base Plate - Includes Lifetime Warranty

Item #: BCI2103835



View the entire [Linden Collection](#)

\$116.87 - \$169.48

Originally \$188.50 - \$273.35. You Save 38%

42

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4/5 [Read 21 Reviews](#) [Write a Review](#)

Shipping: **Free Shipping!** [See Details](#)

Finish: **Arctic Stainless - In Stock - \$157.76** ▼

[Tech Specs](#)


81 In Stock

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Product Videos

[Delta Video: Linden Collection](#)

Inspired by nature and featuring Delta DIAMOND Seal Technology, the Linden Kitchen Series has a fresh design that will bring life to any kitchen.

Product Details for the Delta 4453-AR-DST in Arctic Stainless

Product Features:

- Made in the U.S.A. (Manufacturing plants: Greensburg, Indiana; Jackson, Tennessee)
- Fully covered under Delta's limited lifetime warranty
- All-brass faucet body and handle construction
- Superior finishing process - faucet finish covered under lifetime warranty
- Includes cover plate (escutcheon) for sinks with 3-holes (8" centers)
- Insulated side spray included
- The design was inspired by a strong presence in nature like that of a tree with reaching



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Delta 794-SS-DST Brilliance Stainless Linden Vessel Bathroom Faucet - Includes Lifetime Warranty

Item #: BCI1794824

View the entire [Linden Collection](#)**\$167.59 - \$251.38**

Originally \$270.30 - \$405.45, You Save 38%

43 [Compare](#)5/5 [Read 4 Reviews](#) [Write a Review](#)Shipping: **Free Shipping!** [See Details](#)Finish: **Brilliance Stainless** - In Stock - \$234.64 ▼[Tech Specs](#)

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Product Details for the Delta 794-SS-DST in Brilliance Stainless

Product Features:

- Made in the U.S.A. (Manufacturing plants: Greensburg, Indiana; Jackson, Tennessee)
- Fully covered under Delta's limited lifetime warranty
- All-brass faucet construction
- Superior finishing process - faucet finish covered under lifetime warranty
- Designed for use with above-the-counter vessel sinks
- The design was inspired by a strong presence in nature like that of a tree with reaching branches
- With a full suite of products including matching accessories, the Linden Bath Collection complements most any bath
- Single handle operation
- ADA compliant
- Low lead compliant - complies with federal and state regulations for lead content
- Designed to easily connect to standard U.S. plumbing supply bibs
- Extra secure mounting assembly
- All necessary mounting hardware included




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Delta 1353-AR-DST Arctic Stainless Linden Kitchen Faucet with Optional Base Plate - Includes Lifetime Warranty

Item #: BCI2103826

View the entire [Linden Collection](#)

\$102.61 - \$148.83

Originally \$165.50 - \$240.05, You Save 38%

22

[Compare](#)5/5 [Read 16 Reviews](#) [Write a Review](#)Shipping: [Free Shipping!](#) [See Details](#)


Finish: Arctic Stainless - In Stock - \$138.54 ▼

[Tech Specs](#)

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Product Videos

[Delta Video: Linden Collection](#)

Inspired by nature and featuring Delta DIAMOND Seal Technology, the Linden Kitchen Series has a fresh design that will bring life to any kitchen.

Product Details for the Delta 1353-AR-DST in Arctic Stainless

Product Features:

- Made in the U.S.A. (Manufacturing plants: Greensburg, Indiana; Jackson, Tennessee)
- Fully covered under Delta's limited lifetime warranty
- All-brass faucet body and handle construction
- Superior finishing process - faucet finish covered under lifetime warranty
- Includes cover plate (escutcheon) for sinks with 3-holes (8" centers)
- The design was inspired by a strong presence in nature like that of a tree with reaching branches
- Spout swivels 120 degrees to allow for unobstructed sink access



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People Who Viewed Delta 1353-DST
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Delta T4794-SS Brilliance Stainless Linden Roman Tub Faucet Trim with Hand Shower

Item #: BCI1794904

View the entire [Linden Collection](#)


\$243.94 - \$390.26

Originally \$393.45 - \$629.45. You Save 36%

49

[Compare](#)5/5 [Read 1 Reviews](#) [Write a Review](#)Shipping: [Free Shipping! See Details](#)Finish: [Brilliance Stainless](#) - In Stock - \$365.86 ▼[Tech Specs](#)**40 In Stock****Leaves the Warehouse Monday, November 9th**

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Product Details for the Delta T4794-SS in Brilliance Stainless

This product has additional required/recommended options. To configure, add to your cart.

**Rough In Valve
Required**

Product Features:

- Fully covered under Delta's limited lifetime warranty
- All-brass faucet construction
- Superior finishing process - faucet finish covered under lifetime warranty
- Includes personal hand shower. Hand showers help with rinsing off after a bath, hair washing, tub cleaning and for washing pets
- The design was inspired by a strong presence in nature like that of a tree with reaching branches
- With a full suite of products including matching accessories, the Linden Bath Collection complements most any bath
- Double handle 1/4 turn operation
- ADA compliant




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Delta 4353T-AR-DST Arctic Stainless Linden Pull-Out Kitchen Faucet with On/Off Touch Activation, Temporary Flow Increase, and Optional Base Plate - Includes Lifetime Warranty (5 Year on Electronic Parts)

Item #: BCI2103831



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~~\$281.40~~ — ~~\$360.50~~

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Shipping: **Free Shipping!** [See Details](#)

Finish: Arctic Stainless - In Stock - Add to Cart ▼

[Tech Specs](#)

25 In Stock

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1 Qty

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 Earn **281 - 361** points with the purchase of this product [Learn More](#)

Product Videos

[Delta Video: Multi-Flow](#)

A toggle on a Multi-Flow wand increases the stream from the standard 1.5GPM to a higher flow to more quickly fill the sink as well as pots, vases, or other large containers.

[Delta Video: Linden Collection](#)

Inspired by nature and featuring Delta DIAMOND Seal Technology, the Linden Kitchen Series has a fresh design that will bring life to any kitchen.

[Delta Video: Touch2O Technology](#)

Delta offers a variety of kitchen faucets with Touch2O Technology which allows you to turn the water on or off with a simple touch anywhere on the spout or handle. Check out this video to learn more.



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Product Details for the Delta 4353T-AR-DST in Arctic Stainless

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Delta T2794-SS Brilliance Stainless Linden Roman Tub Faucet Trim

Item #: BCI1794900

View the entire [Linden Collection](#)**\$150.63 - \$240.96**

Originally \$242.95 - \$388.65. You Save 38%

29

[Compare](#)4.5/5 [Read 4 Reviews](#) [Write a Review](#)


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Shipping: **Free Shipping!** [See Details](#)Finish: **Brilliance Stainless - In Stock - \$225.90** ▼[Tech Specs](#)

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Product Details for the Delta T2794-SS in Brilliance Stainless

This product has additional required/recommended options. To configure, add to your cart.


**Rough In Valve
Required****People Who Viewed Delta T2794
Ultimately Bought**

Product Features:

- Fully covered under Delta's limited lifetime warranty
- All-brass faucet construction
- Superior finishing process - faucet finish covered under lifetime warranty
- The design was inspired by a strong presence in nature like that of a tree with reaching branches
- With a full suite of products including matching accessories, the Linden Bath Collection complements most any bath
- Double handle 1/4 turn operation
- ADA compliant
- Extra secure mounting assembly
- All necessary mounting hardware included

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Delta 3353-AR-DST Arctic Stainless Linden Kitchen Faucet with Side Spray - Includes Lifetime Warranty

Item #: BCI2103828

View the entire [Linden Collection](#)**\$116.87 - \$169.48**

Originally \$188.50 - \$273.35. You Save 38%

13

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Finish: Arctic Stainless - In Stock - \$157.76 ▼

[Tech Specs](#)


12 In Stock

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1 Qty



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Product Videos

[Delta Video: Linden Collection](#)

Inspired by nature and featuring Delta DIAMOND Seal Technology, the Linden Kitchen Series has a fresh design that will bring life to any kitchen.

People Who Viewed Delta 3353-DST
Ultimately Bought

Product Details for the Delta 3353-AR-DST in Arctic Stainless

Product Features:

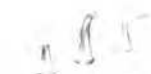
- Made in the U.S.A. (Manufacturing plants: Greensburg, Indiana; Jackson, Tennessee)
- Fully covered under Delta's limited lifetime warranty
- All-brass faucet body and handle construction
- Superior finishing process - faucet finish covered under lifetime warranty
- Includes cover plate (escutcheon) for sinks with 3-holes (8" centers)
- Insulated side spray included
- The design was inspired by a strong presence in nature like that of a tree with reaching branches



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Delta 4453-AR-DST-SD Arctic Stainless Linden Kitchen Faucet with Side Spray and Soap/Lotion Dispenser - Includes Lifetime Warranty

Item #: BCI2170265



View the entire [Linden Collection](#)

\$141.98 - \$205.87

Originally \$138.38 - \$200.66, You Save -3%

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Shipping: **Free Shipping!** [See Details](#)

Finish: **Arctic Stainless - In Stock - \$191.61** ▼

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83 In Stock

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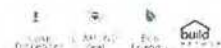
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Product Videos

[Delta Video: Linden Collection](#)

Inspired by nature and featuring Delta DIAMOND Seal Technology, the Linden Kitchen Series has a fresh design that will bring life to any kitchen.


Product Details for the Delta 4453-AR-DST-SD in Arctic Stainless

Product Features:



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Delta 4353-AR-DST-SD Arctic Stainless Linden Pull-Out Kitchen Faucet with Temporary Flow Increase and Soap/Lotion Dispenser - Includes Lifetime Warranty

Item #: BCI2170251



View the entire [Linden Collection](#)

\$170.11 - \$261.39

Originally \$173.45 - \$270.94, You Save 2% - 4%

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16

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Shipping:

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Finish:

Arctic Stainless - In Stock - \$213.52 ▼

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334 In Stock

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1

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This package includes the following items



These items purchased separately would cost \$219.51. **You save 3%!**

Product Videos

[Delta Video: Multi-Flow](#)

A toggle on a Multi-Flow wand increases the stream from the standard 1.5GPM to a higher flow to more quickly fill the sink as well as pots, vases, or other large containers.



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People Who Viewed Delta 4353-DST-SD
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Bathroom Faucets



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Delta 4153-AR-DST-SD Arctic Stainless Linden Pull-Out Kitchen Faucet with Temporary Flow Increase and Soap/Lotion Dispenser - Includes Lifetime Warranty

Item #: BCI2170247



View the entire Linden Collection

\$231.79 - \$336.06

18 Compare

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Shipping: Free Shipping! See Details

Finish: Arctic Stainless - In Stock - \$312.91

Tech Specs

146 In Stock

Leaves the Warehouse Monday, November 9th

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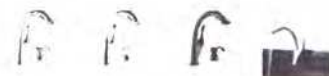
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Product Videos

Delta Video: Multi-Flow

A toggle on a Multi-Flow wand increases the stream from the standard 1.5GPM to a higher flow to more quickly fill the sink as well as pots, vases, or other large containers.

Delta Video: Linden Collection

Inspired by nature and featuring Delta DIAMOND Seal Technology, the Linden Kitchen Series has a fresh design that will bring life to any kitchen.



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Delta 2594-TP-DST Chrome Linden Centerset Bathroom Faucet with Diamond Seal Technology - Includes Plastic Pop-Up Drain (3 Pack)

Item #: BCI2103812



View the entire [Linden Collection](#)

\$80.26 - \$120.44

Originally \$129.45 - \$194.25, You Save 38%

[Be the first to review this product](#)

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Shipping: **Free Shipping!** [See Details](#)

Finish: **Chrome - In Stock - \$80.26**

[Tech Specs](#)

7 In Stock

Leaves the Warehouse in 3 to 4 weeks, by December 4th

1 Qty



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Product Videos

[Delta Video: WaterSense Certified Faucets](#)

[Delta WaterSense Partner Overview](#)



People Who Bought Bathroom Sink Faucets Also Bought

Product Details for the Delta 2594-TP-DST in Chrome

Product Features:

- Made in the U.S.A. (Manufacturing plants: Greensburg, Indiana; Jackson, Tennessee)
- Fully covered under Delta's limited lifetime warranty
- All-brass faucet construction
- Superior finishing process - faucet finish covered under lifetime warranty
- The design was inspired by a strong presence in nature like that of a tree with reaching branches
- Double handle 1/4 turn operation



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Delta 594-MPU-DST.P2021-Brilliance-Stainless Brilliance Stainless Linden Single Hole Bathroom Faucet with Diamond Seal Technology - Includes Matching Progress Lighting Four Light Bathroom Vanity Light

Item #: BCI2405896



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\$232.87 - \$293.20

4

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Shipping: **Free Shipping!** [See Details](#)

Finish: **Brilliance Stainless - In Stock - \$276.40** ▼

[Tech Specs](#)

105 In Stock


Leaves the Warehouse Monday, November 9th

1 Qty

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 Earn **233 - 293** points with the purchase of this product [Learn More](#)

Product Details for the Delta 594-MPU-DST.P2021-Brilliance-Stainless in Brilliance Stainless

These custom built combo packs come from two of the leading brands in the home improvement industry.

The finishes and designs of each product have been engineered to compliment one another seamlessly and create a complete, elegant bathroom set.

Combo Includes:

- Delta - Linden Single Hole Bathroom Faucet with Diamond Seal Technology - Includes Drain Assembly and 3-Hole Cover Plate (1 Quantity)
- Progress Lighting - Inspire Four Light Bathroom Vanity Light (1 Quantity)

Faucet Features

- Made in the U.S.A. (Manufacturing plants: Greensburg, Indiana; Jackson, Tennessee)
- Fully covered under Delta's limited lifetime warranty
- All-brass faucet construction
- Superior finishing process - faucet finish covered under lifetime warranty



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People Who Viewed Delta 594-MPU-DST.P2021 Ultimately Bought



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Delta 594-MPU-DST.P2020-Brilliance-Stainless Brilliance Stainless Linden Single Hole Bathroom Faucet with Diamond Seal Technology - Includes Matching Progress Lighting Three Light Bathroom Vanity Light

Item #: BCI2405928



View the entire [Linden Collection](#)

\$208.84 - \$269.17

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Shipping: [Free Shipping!](#) [See Details](#)

Finish: [Brilliance Stainless](#) - In Stock - \$252.37 ▼

[Tech Specs](#)

112 In Stock

Leaves the Warehouse Monday, November 9th

1 Qty

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Product Details for the Delta 594-MPU-DST.P2020-Brilliance-Stainless in Brilliance Stainless

These custom built combo packs come from two of the leading brands in the home improvement industry.

The finishes and designs of each product have been engineered to compliment one another seamlessly and create a complete, elegant bathroom set.

Combo Includes:

- Delta - Linden Single Hole Bathroom Faucet with Diamond Seal Technology - Includes Drain Assembly and 3-Hole Cover Plate (1 Quantity)
- Progress Lighting - Inspire Three Light Bathroom Vanity Light (1 Quantity)

Faucet Features

- Made in the U.S.A. (Manufacturing plants: Greensburg, Indiana; Jackson, Tennessee)
- Fully covered under Delta's limited lifetime warranty
- All-brass faucet construction
- Superior finishing process - faucet finish covered under lifetime warranty



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People Who Viewed Delta 594-MPU-DST.P2020 Ultimately Bought



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Delta 594-MPU-DST.P2019-Brilliance-Stainless Brilliance Stainless Linden Single Hole Bathroom Faucet with Diamond Seal Technology - Includes Matching Progress Lighting Two Light Bathroom Vanity Light

Item #: BCI2405931



View the entire [Linden Collection](#)

\$190.84 - \$251.17

1

[Compare](#)

[Be the first to review this product](#)

Shipping: **Free Shipping!** [See Details](#)

Finish: **Brilliance Stainless** - In Stock - \$234.37 ▼

[Tech Specs](#)

111 In Stock


Leaves the Warehouse Monday, November 9th

1 Qty

[Return Policy](#)

[Live Chat](#)

[Ask A Question](#)

 Earn **191 - 251** points with the purchase of this product [Learn More](#)

Product Details for the Delta 594-MPU-DST.P2019-Brilliance-Stainless in Brilliance Stainless

These custom built combo packs come from two of the leading brands in the home improvement industry.

The finishes and designs of each product have been engineered to compliment one another seamlessly and create a complete, elegant bathroom set.

Combo Includes:

- Delta - Linden Single Hole Bathroom Faucet with Diamond Seal Technology - Includes Drain Assembly and 3-Hole Cover Plate (1 Quantity)
- Progress Lighting - Inspire Two Light Bathroom Vanity Light (1 Quantity)

Faucet Features

- Made in the U.S.A. (Manufacturing plants: Greensburg, Indiana; Jackson, Tennessee)
- Fully covered under Delta's limited lifetime warranty
- All-brass faucet construction
- Superior finishing process - faucet finish covered under lifetime warranty



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People Who Viewed Delta 594-MPU-DST.P2019 Ultimately Bought



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[Kitchen Faucets](#)



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Delta 594-MPU-DST.P2018-Brilliance-Stainless Brilliance Stainless Linden Single Hole Bathroom Faucet with Diamond Seal Technology - Includes Two Matching Progress Lighting Single Light Bathroom Sconces

Item #: BCI2405934



View the entire [Linden Collection](#)

\$196.78 - \$257.11

[Compare](#)

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Shipping: **Free Shipping!** [See Details](#)

Finish: Brilliance Stainless - In Stock - \$240.31 ▼

[Tech Specs](#)

112 In Stock


Leaves the Warehouse Monday, November 9th

1 Qty

[Return Policy](#)

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[Ask A Question](#)

 Earn 197 - 257 points with the purchase of this product [Learn More](#)

Product Details for the Delta 594-MPU-DST.P2018-Brilliance-Stainless in Brilliance Stainless

These custom built combo packs come from two of the leading brands in the home improvement industry

The finishes and designs of each product have been engineered to compliment one another seamlessly and create a complete, elegant bathroom set

Combo Includes:

- Delta - Linden Single Hole Bathroom Faucet with Diamond Seal Technology - Includes Drain Assembly and 3-Hole Cover Plate (1 Quantity)
- Progress Lighting - Inspire Single Light Bathroom Sconce (2 Quantity)

Faucet Features

- Made in the U.S.A. (Manufacturing plants: Greensburg, Indiana; Jackson, Tennessee)
- Fully covered under Delta's limited lifetime warranty
- All-brass faucet construction
- Superior finishing process - faucet finish covered under lifetime warranty



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People Who Viewed Delta 594-MPU-DST.P2018 Ultimately Bought



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[Bathroom Sinks](#)



[Kitchen Faucets](#)



[Kitchen Sinks](#)



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Delta 4353T-AR-DST-SD Arctic Stainless Linden Pull-Out Kitchen Faucet with On/Off Touch Activation, Temporary Flow Increase, Touch Clean, and Soap/Lotion Dispenser - Includes Lifetime Warranty (5 Year on Electronic Parts)

Item #: BCI2170255



View the entire [Linden Collection](#)

\$306.51 - \$396.89

Originally \$442.50 - \$573.70, You Save 31%

[Be the first to review this product](#)

7 [Compare](#)



Shipping: **Free Shipping!** [See Details](#)

Finish: **Arctic Stainless - In Stock - \$350.46** ▼

[Tech Specs](#)

26 In Stock

Leaves the Warehouse Monday, November 9th

1 Qty




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 Earn 307 - 397 points with the purchase of this product [Learn More](#)

This package includes the following items



People Who Viewed Delta 4353T-DST-SD Ultimately Bought

Product Videos

[Delta Video: Multi-Flow](#)

A toggle on a Multi-Flow wand increases the stream from the standard 1.5GPM to a higher flow to more quickly fill the sink as well as pots, vases, or other large containers.

EXHIBIT I



LYNDON™

TWO-PIECE DUAL FLUSH TOILET

D2210AA200.XXX



FEATURES

- Elongated bowl design
- Vitreous china
- 12" (305mm) rough-in
- Siphon action jetted bowl with smooth-sided, concealed trapway
- High efficiency, dual flush, low consumption 1.28gpf/4.8Lpf conserving flush 1.0 gpf/3.8Lpf
- EverClean® surface inhibits the growth of stain- and odor-causing bacteria, mold, and mildew on the surface
- PowerWash® rim scrubs bowl with each flush
- 16-1/2" (419mm) rim height
- Fully-glazed 2-1/8" trapway
- 3" Flush valve
- Includes slow-close telescoping seat
- Chrome top mounted push button actuator
- Color matched bolt hole covers

DIMENSIONS

NOMINAL DIMENSIONS

30-3/16" x 15-1/8" x 31-9/16" (767 x 384 x 802mm)

COLORS/FINISHES

Canvas White (415)

SEPARATE COMPONENTS

D23226A000.415

Right Height® Elongated bowl

D24434A200.415

Tank, 1.0/1.28 gpf Dual Flush 12" rough-in complete with coupling components and tank trim.

735179-400.XXX

Tank Cover - Lyndon Two-Piece

OPTIONAL ACTUATOR BUTTON FINISH

7381338-200-2950A

Satin Nickel (295)

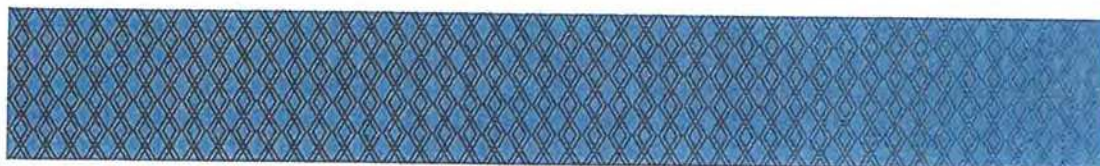
7381403-400.0070A

Dual Flush Valve Assembly

COMPLIANCE CERTIFICATIONS

Meets or Exceeds ASME A112.19.2-2008/CSA B45.1-08

ROUGH IN DIAGRAM SHOWN
ON REVERSE SIDE



LYNDON™

ONE-PIECE DUAL FLUSH TOILET

D22690A200.XXX



FEATURES

- Elongated bowl design
- Vitreous china
- 12" (305mm) rough-in
- Siphon action jetted bowl with smooth-sided, concealed trapway
- High efficiency, dual flush, low consumption 1.28gpf/4.8Lpf conserving flush 1.0 gpf/3.8Lpf
- EverClean® surface inhibits the growth of stain- and odor-causing bacteria, mold, and mildew on the surface
- Fully glazed
- Rim height at 16-1/2" (419mm) for accessible application
- Includes slow-close telescoping seat
- 3" Flush valve
- Colored-matched bolt hole covers
- Chrome activation button

DIMENSIONS

NOMINAL DIMENSIONS

28-7/16" x 14" x 28-5/8" (723 x 355 x 727mm)

COLORS/FINISHES

Canvas White (415)

SEPARATE COMPONENTS

735188-400.415

Tank Cover - Lyndon One-Piece

OPTIONAL ACTUATOR BUTTON FINISH

7381338-200-2950A

Satin Nickel (295)

7381337-400.0070A

Dual Flush Valve Assembly

COMPLIANCE CERTIFICATIONS

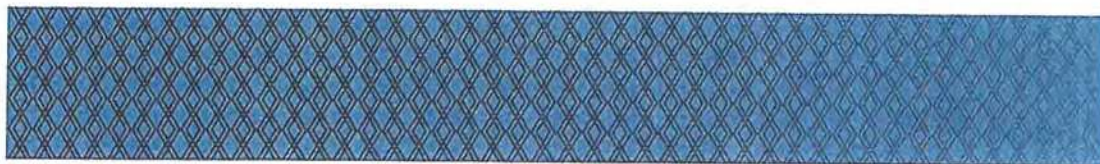
Meets or Exceeds ASME A112.19.2-2008/CSA B45.1-08



Meets the Americans with Disabilities Act Guidelines and ANSI A117.1 Requirements for Accessible and Usable Building Facilities-Check Local Codes.



ROUGH IN DIAGRAM SHOWN
ON REVERSE SIDE



LYNDON™

DECK MOUNT TUB FILLER WITH HAND SHOWER



- Ceramic disc valve cartridges
- Flexible hose connections for 8"-12" installations
- Available with hand shower
- Hand shower features 5 ft (1.5m) metal hose
- Maximum Hand Shower Flow Rate: 2.5 GPM (9.5L/min)

CODES AND STANDARDS

Meets or Exceeds ASME A112.18.1/CSA B125.1

AVAILABLE FINISHES

Polished Chrome
Brushed Nickel

FINISH CODE

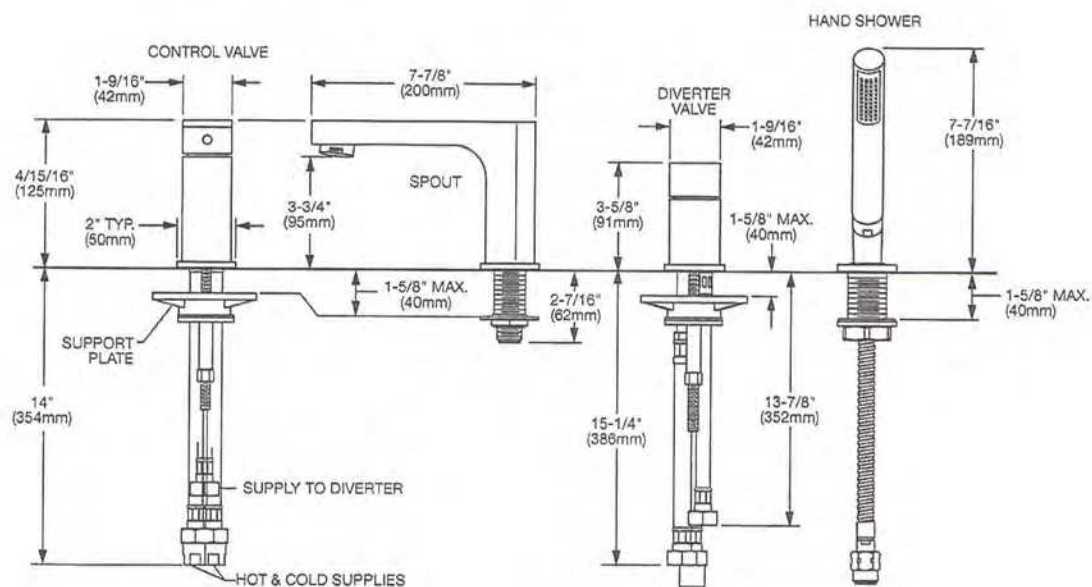
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144

DESCRIPTION

Deck Mount Tub Filler
with Hand Shower

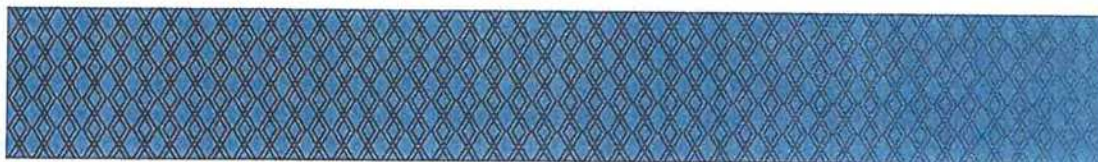
PRODUCT NUMBER

D35109900.XXX

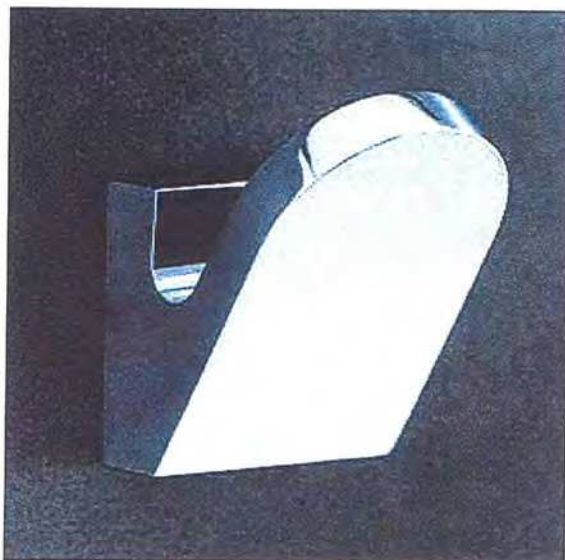


IMPORTANT: These measurements are subject to change or cancellation.
No responsibility is assumed for use of superseded or voided pages.

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LYNDON™ ROBE HOOK



- Concealed mounting
- Includes assembly hardware

AVAILABLE FINISHES

Polished Chrome
Brushed Nickel

FINISH CODE

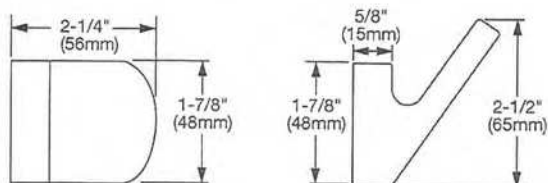
100
144

DESCRIPTION

Robe Hook

PRODUCT NUMBER

D35109210.XXX



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LYNDON™ TOWEL BAR



- Concealed mounting
- Includes assembly hardware

AVAILABLE FINISHES

Polished Chrome
Brushed Nickel

FINISH CODE

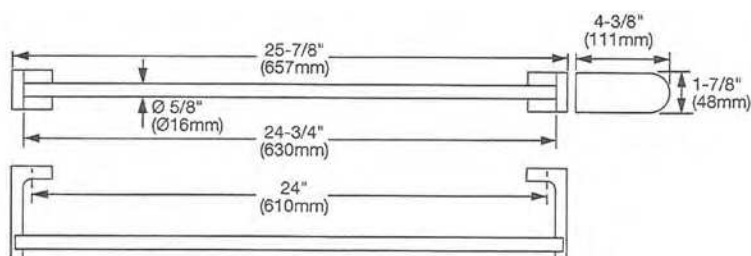
100
144

DESCRIPTION

Towel Bar

PRODUCT NUMBER

D35109240.XXX



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LYNDON™ MULTIFUNCTION SHOWERHEAD



- Two functions: spray and center massage
- Unique toggle button to switch functions
- 1/2" NPT
- Easy clean rubber nozzles
- Includes arm and flange
- Maximum showerhead flow rate: 2.5 GPM (9.5L/min)
- CALGreen compliant 2.0 GPM (7.6L/min) flow rate

CODES AND STANDARDS

Meets or Exceeds ASME A112.18.1/CSA B125.1/ASSE 1016

AVAILABLE FINISHES

Polished Chrome
Brushed Nickel

FINISH CODE

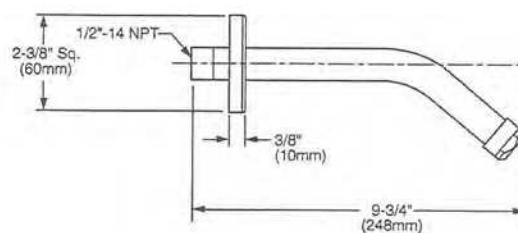
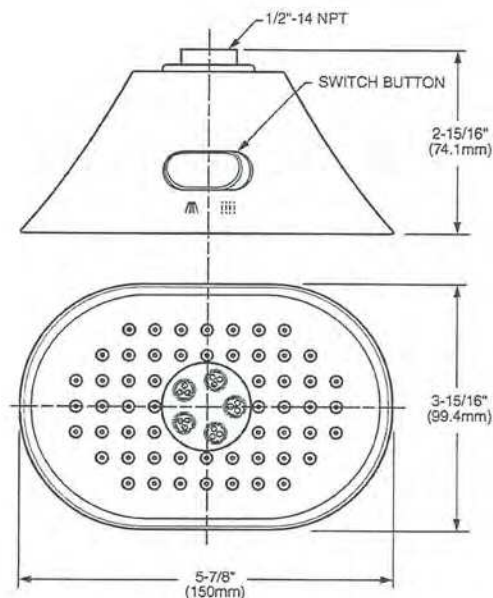
100
144

DESCRIPTION

Multi Showerhead

PRODUCT NUMBER

D35109775.XXX



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LYNDON™

SINGLE LEVER AND VESSEL FAUCETS



- Ceramic disc valve cartridge
- 3/8" Compression braided, stainless steel flexible supply hose
- Speed Connect® with 1-1/4" drain
- Lead Free—faucet contains $\leq 0.25\%$ total lead content by weighted volume
- Maximum Flow Rate: 1.5 GPM (5.7L/min)

CODES AND STANDARDS

Meets or Exceeds ASME A112.18.1/
CSA B125.1/NSF 61/Section 9

EPA WaterSense® High Efficiency
Lavatory Faucet Specification

Certified Compliant with 0.25% Weighted
Average Lead Content Regulations

AVAILABLE FINISHES

Polished Chrome
Brushed Nickel

FINISH CODE

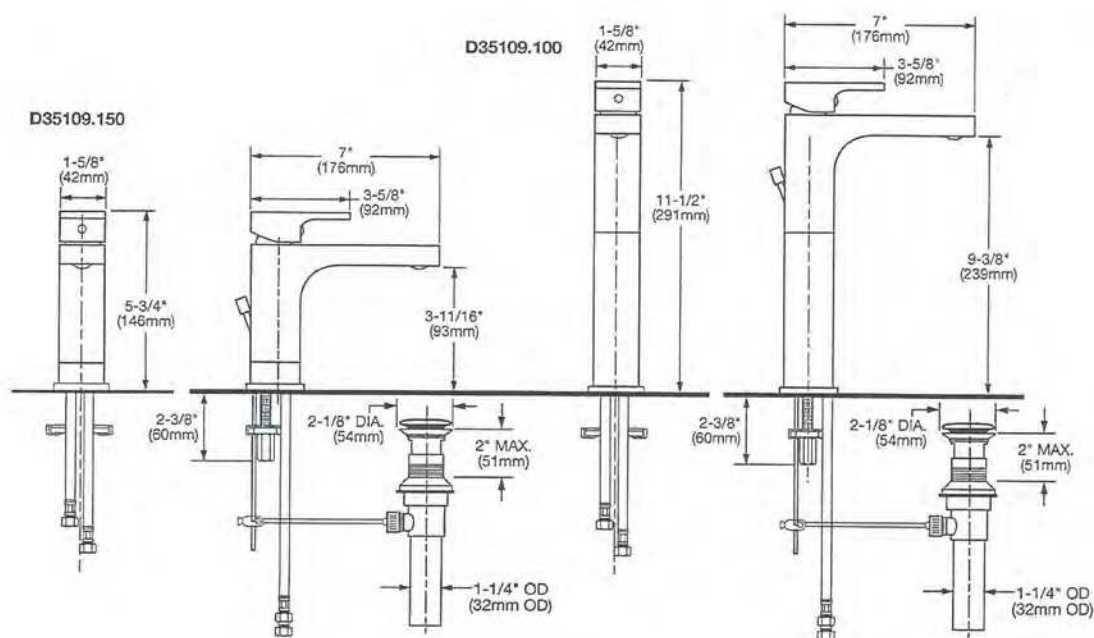
100
144

DESCRIPTION

Single Lever Faucet
Vessel Faucet

PRODUCT NUMBER

D35109100.XXX
D35109150.XXX



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LYNDON™

WALL MOUNT LAVATORY

D20075001.XXX



FEATURES

- Fine fire clay construction with single hole
- Designed for small and unique spaces
- Includes ceramic drain cap
- Hidden overflow
- Works with any standard drain (drain not included)

DIMENSIONS

NOMINAL DIMENSIONS

22" x 18" x 4-1/8" (560 x 457 x 105mm)

BOWL INSIDE DIMENSIONS

19-1/2" (495mm) wide

12" (305mm) front to back

4-15/16" (125mm) depth

COLORS/FINISHES

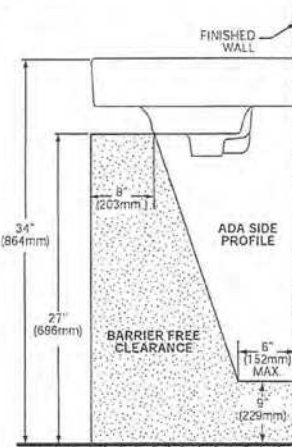
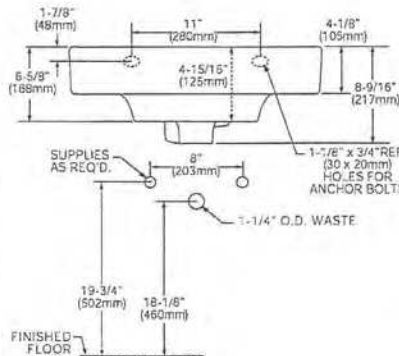
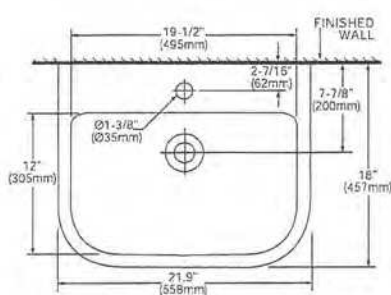
Canvas White (415)

COMPLIANCE CERTIFICATIONS

Meets or Exceeds ASME A112.19.2/CSA B45.1



Meets the Americans with Disabilities Act Guidelines and ANSI A117.1 Requirements for Accessible and Usable Building Facilities-Check Local Codes.



NOTES:

Dimensions shown for location supplies and "P" trap are suggested. Provide suitable reinforcement for all wall supports.

Slab/pedestal anchors and mounting features to be furnished by others.

Fittings not included with fixture and must be ordered separately.

Installation Instructions supplied with lavatory.

IMPORTANT:

Dimensions of fixtures are nominal and may vary within the range of tolerance established by ANSI standards.

These measurements are subject to change or cancellation. No responsibility is assumed for use of superseded or voided pages.

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LYNDON™ FREESTANDING TUB



D12536004.XXX

FEATURES

- Contemporary soaking tub design
- Center drain
- Acrylic with fiberglass reinforcement
- Integrated tub drain
- 60 (226 l.) gallon capacity

DIMENSIONS

NOMINAL DIMENSIONS

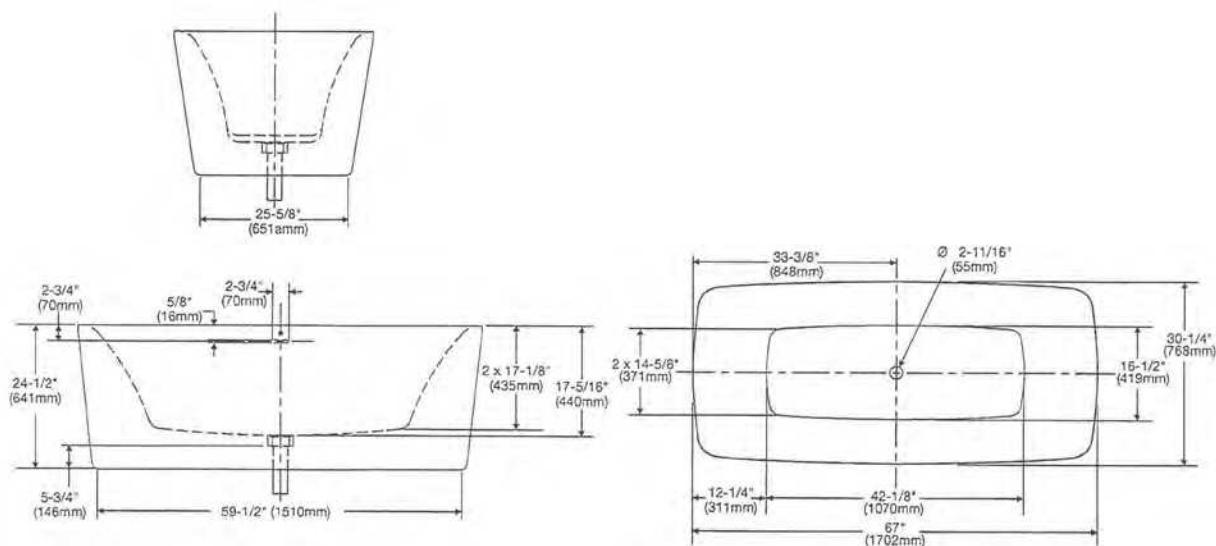
24-1/2" x 67" x 30-1/4" (641 x 1702 x 768mm)

COLORS/FINISHES

Canvas White (415)

COMPLIANCE CERTIFICATIONS

Meets or Exceeds ASME A112.19.2/CSA B45.1



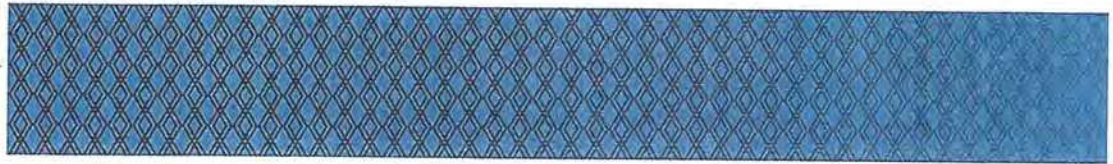
NOTES:

If installing a deck-mounting fitting, before drilling any holes: check for interference with drain overflow. Mounting holes drilled by installer.

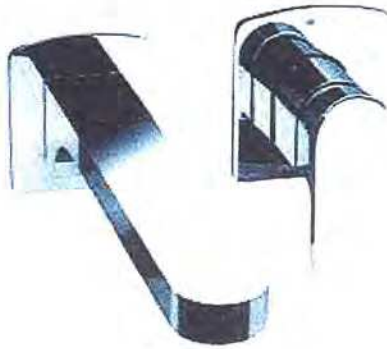
Refer to installation instructions supplied with bathing pool for additional information. Fittings not included and must be ordered separately. Provide suitable reinforcement for all supports.

IMPORTANT:

Dimensions of fixtures are nominal and may vary within the range of tolerances established by ASME A112.19.1M-1994. These measurements are subject to change or cancellation. No responsibility is assumed for use of superseded or voided leaflet.



LYNDON™ WALL MOUNT FAUCET



- Ceramic disc valve cartridge
- Distinct handle design
- Lead Free—faucet contains $\leq 0.25\%$ total lead content by weighted volume
- Maximum flow rate: 1.5 GPM (7.5L/min)

CODES AND STANDARDS

Meets or Exceeds ASME A112.18.1/
CSA B125.1/NSF 61/Section 9

EPA WaterSense® High Efficiency
Lavatory Faucet Specification

Certified Compliant with 0.25% Weighted
Average Lead Content Regulations

AVAILABLE FINISHES

Polished Chrome
Brushed Nickel

FINISH CODE

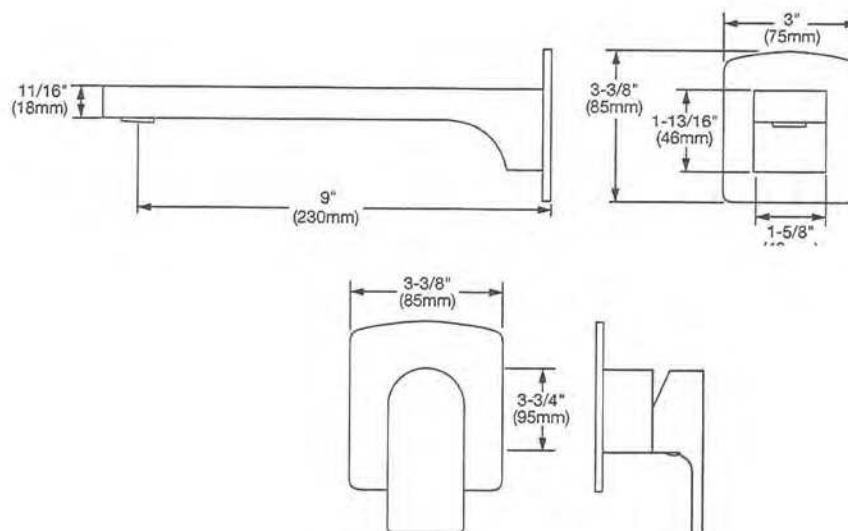
100
144

DESCRIPTION

Wall Mount Faucet

PRODUCT NUMBER

D35109400.XXX



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LYNDON™ PRESSURE BALANCE SHOWER TRIM



- Ceramic disc valve cartridge
- Adjustable hot limit safety stop
- Pressure balance cartridge maintains constant output temperature in response to changes in relative hot and cold supply pressures
- Concealed mounting hardware

CODES AND STANDARDS

Meets or Exceeds ASME A112.18.1/CSA B125.1/ASSE 1016

AVAILABLE FINISHES

Polished Chrome
Brushed Nickel

FINISH CODE

100
144

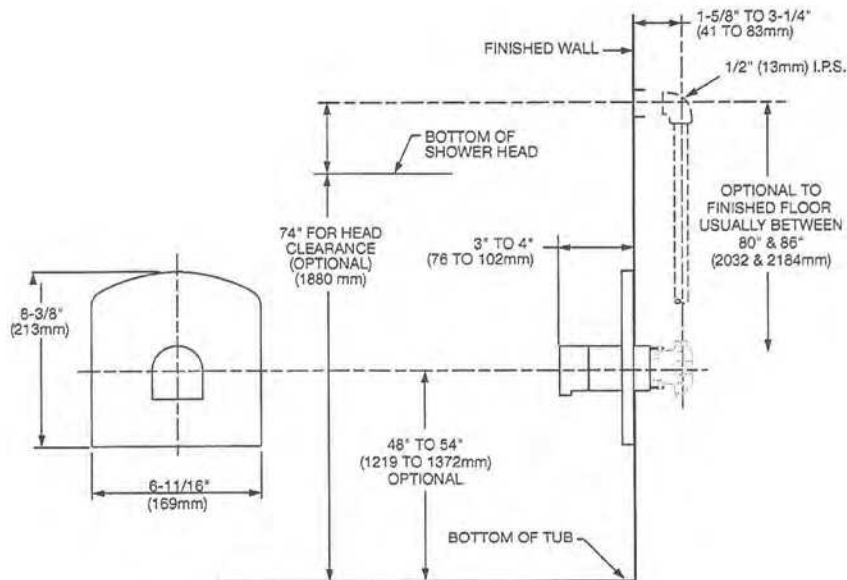
DESCRIPTION

Pressure Balance
Shower Trim
Pressure Balance
Shower Rough

PRODUCT NUMBER

D35109500.XXX

D35000500.191



IMPORTANT: These measurements are subject to change or cancellation.
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LYNDON™

PRESSURE BALANCE TUB & SHOWER TRIM



- Ceramic disc valve cartridge
- Adjustable hot limit safety stop
- Pressure balance cartridge maintains constant output temperature in response to changes in relative hot and cold supply pressures
- Integral diverter
- Concealed mounting hardware

CODES AND STANDARDS

Meets or Exceeds ASME A112.18.1/
CSA B125.1/ASSE 1016

AVAILABLE FINISHES

Polished Chrome
Brushed Nickel

FINISH CODE

100
144

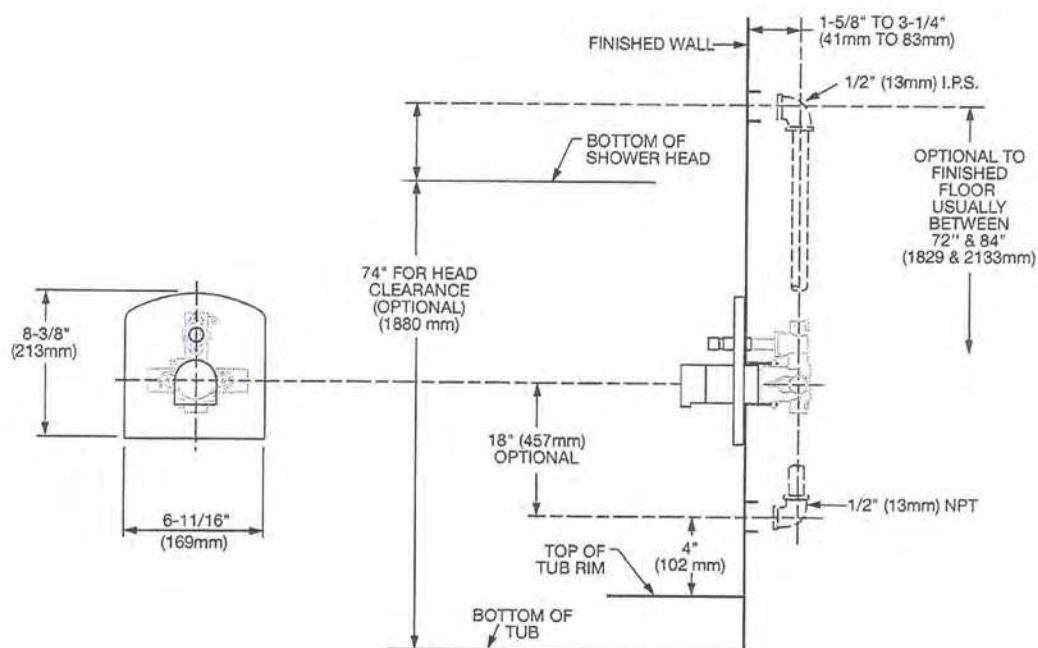
DESCRIPTION

Pressure Balance
Tub & Shower Trim
Pressure Balance
Tub & Shower Rough

PRODUCT NUMBER

D35109600.XXX

D35000600.191

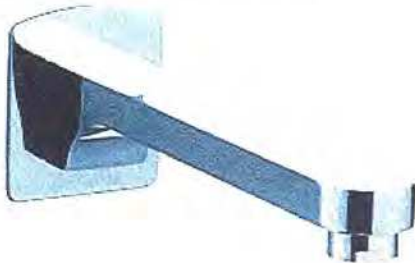


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LYNDON™ WALL TUB SPOUT



- Cast brass
- Includes 1/2" NPT adapter for 1/2" or 3/4" installations

CODES AND STANDARDS

Meets or Exceeds ASME A112.18.1/
CSA B125.1/ASSE 1001

EPA WaterSense® High Efficiency
Lavatory Faucet Specification

Certified Compliant with 0.25% Weighted
Average Lead Content Regulations

AVAILABLE FINISHES

Polished Chrome
Brushed Nickel

FINISH CODE

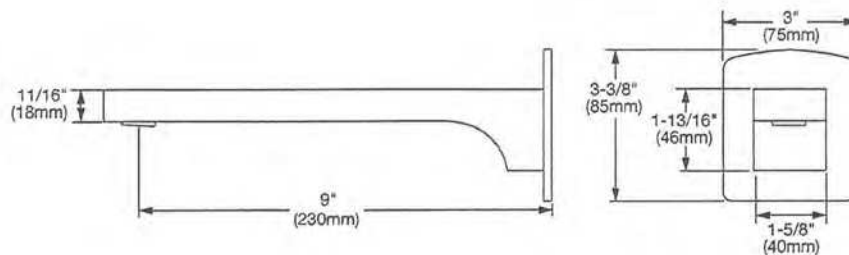
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DESCRIPTION

Wall Tub Spout

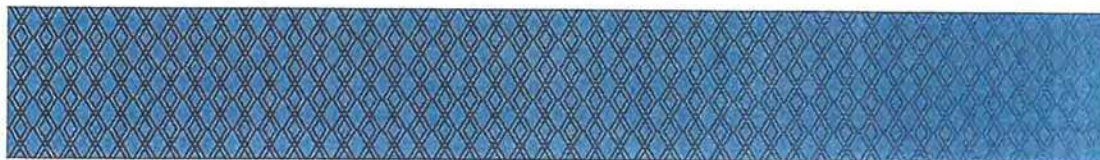
PRODUCT NUMBER

D35109760.XXX



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LYNDON™

TISSUE HOLDER



- Concealed mounting
- Includes assembly hardware

AVAILABLE FINISHES

Polished Chrome
Brushed Nickel

FINISH CODE

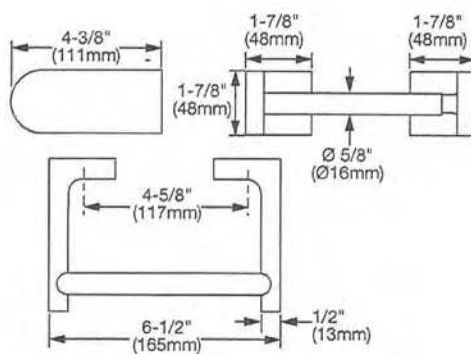
100
144

DESCRIPTION

Tissue Holder

PRODUCT NUMBER

D35109230.XXX



IMPORTANT: These measurements are subject to change or cancellation.
No responsibility is assumed for use of superseded or voided pages.

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EXHIBIT D

Roa, Reinaldo

From: Roa, Reinaldo
Sent: Monday, December 14, 2015 11:05 AM
To: 'maryfran@aspireip.com'
Cc: ari@aspireip.com
Subject: Delta Faucet Company v. AS IP Holdco, LLC - Cancellation No. 92/061,540 (LINDEN v. LYNDON) (Our Ref: C14663936)

Tracking:	Recipient	Delivery
	'maryfran@aspireip.com'	
	ari@aspireip.com	
	Cathcart, Ralph	Delivered: 12/14/2015 11:05 AM

**For Settlement Purposes
Only – Without Prejudice**

Dear Ms. Love:

We have not received any reply papers to the Motion to Amend and note no electronic filing with the Board.

Have you served any reply and if so, can you send us a copy via e-mail? Thank you in advance for your professional courtesy.

Very truly yours,

Reinaldo M. Roa
Litigation Support Manager
LADAS & PARRY LLP
1040 Avenue of the Americas
New York, NY 10018
Tel: 212-708-1926
Fax: 212-246-8959
E-mail: rroa@ladas.com
Web: www.ladas.com

EXHIBIT E

Baombolia, Naneshka

From: Ari Friedman <ari@aspireip.com>
Sent: Monday, December 14, 2015 2:08 PM
To: Roa, Reinaldo
Cc: Mary Frances Love
Subject: RE: Delta Faucet Company v. AS IP Holdco, LLC - Cancellation No. 92/061,540 (LINDEN v. LYNDON) (Our Ref: C14663936)

Dear Mr. Roa,

I am answering for Ms. Love because she is travelling today. We have discussed this matter with our Client, and have decided it is unnecessary to respond to Defendant's motion. We believe the Board will see everything it needs to know after reviewing Defendant's motion.

Best regards,

Ari Friedman



Ari Y. Friedman | Attorney
Aspire IP | An Intellectual Property Law Group
444 East Pikes Peak Avenue, Suite 105 | Colorado Springs, CO 80903
p 719.359.9694 | c 410.929.1016 | www.AspireIP.com

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From: Roa, Reinaldo [<mailto:RRoa@ladas.com>]
Sent: Monday, December 14, 2015 11:05 AM
To: Mary Frances Love <maryfran@aspireip.com>
Cc: Ari Friedman <ari@aspireip.com>
Subject: Delta Faucet Company v. AS IP Holdco, LLC - Cancellation No. 92/061,540 (LINDEN v. LYNDON) (Our Ref: C14663936)

For Settlement Purposes
Only – Without Prejudice

Dear Ms. Love:

We have not received any reply papers to the Motion to Amend and note no electronic filing with the Board.

Have you served any reply and if so, can you send us a copy via e-mail? Thank you in advance for your professional courtesy.

Very truly yours,

Reinaldo M. Roa
Litigation Support Manager
LADAS & PARRY LLP
1040 Avenue of the Americas

New York, NY 10018
Tel: 212-708-1926
Fax: 212-246-8959
E-mail: rroa@ladas.com
Web: www.ladas.com

EXHIBIT F

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----	X	
	:	
DELTA FAUCET COMPANY,	:	
	:	
	:	
	:	Opposer, Opposition No. 91/225,315
	:	Application No. 86/720,985
v.	:	Mark: DXV LYNDON
	:	
AS IP HOLDCO, LLC,	:	
	:	
	:	
	:	Applicant.
	:	
-----	X	

**DECLARATION OF REINALDO M. ROA
IN OPPOSITION TO OPPOSER’S MOTION TO CONSOLIDATE
PROCEEDINGS AND STAY DISCOVERY**

I, Reinaldo M. Roa, declare that the following is true and correct pursuant to 28 U.S.C. § 1746:

1. I am the Litigation Support Manager at the law firm of Ladas & Parry LLP, attorneys for Respondent AS IP Holdco, LLC. I am familiar with the subject matter of this declaration based upon my own personal knowledge or familiarity with the case files and documents.

2. This declaration is submitted in opposition to Delta Faucet Company’s Motion to Consolidate Proceedings and Stay Discovery.

3. On November 24, 2015, Declarant e-mailed to Opposer’s counsel courtesy copies of AS IP Holdco, LLC’s First Set of Interrogatories, First Request for Production of documents and First Request for Admissions with Exhibit, all of which Declarant served via first class mail on Petitioner on November 13, 2015 in Cancellation No. 92/061,540. In that same e-mail Declarant attached courtesy copies of Respondent’s Motion to Amend its Answer and Stay

Discovery and supporting Declaration of Ralph H. Cathcart, Esq. which were filed with the Board and served by Declarant on Opposer's counsel via first class mail on November 18, 2015 in Cancellation No. 92/061,540. A copy of the November 24, 2015 cover e-mail is attached hereto as Exhibit A.

4. On December 14, 2015, Declarant e-mailed Opposer's counsel inquiring whether any reply papers to AS IP Holdco, LLC's Motion to Amend had been filed with the Board, since we had not received copies and there was no electronic filing on record with the Board. *See* Cathcart Declaration, Exhibit B.

I declare that the foregoing is true and correct under penalties of perjury.

Executed on February 22, 2016 in New York, New York, UNITED STATES

By: 
Reinaldo M. Roa

EXHIBIT A

Roa, Reinaldo

From: Roa, Reinaldo
Sent: Tuesday, November 24, 2015 6:21 PM
To: maryfran@aspireip.com
Cc: ari@aspireip.com; Cathcart, Ralph
Subject: Delta Faucet Company v. AS IP Holdco, LLC - Cancellation No. 92/061,540 (LINDEN v. LYNDON) (Our Ref: C14663936)
Attachments: Delta Faucet - 11-13-2015 Petitioner's First Set of Interrogatories.pdf; Delta Faucet - 11-13-2015 Petitioner's First Request for Production of Documents.pdf; Delta Faucet - 11-13-2015 Petitioner's First Request for Admissions w Exhibits A - I.pdf; Respondent's Motion to Amend Its Answer and Stay Discovery - Delta Faucet.pdf; Declaration of Ralph H. Cathcart, Esq. - Delta Faucet.pdf

For Settlement Purposes Only – Without Prejudice

Dear Ms. Love:

As per Mr. Cathcart, attached are copies of AS IP Holdco's discovery requests served by first class mail on November 13, 2015 and Motion to Amend Answer and supporting Declaration filed and served on November 18, 2015.

Very truly yours,

Reinaldo M. Roa
Litigation Support Manager
LADAS & PARRY LLP
1040 Avenue of the Americas
New York, NY 10018
Tel: 212-708-1926
Fax: 212-246-8959
E-mail: rroa@ladas.com
Web: www.ladas.com

EXHIBIT G



Ralph H. Cathcart

T 212.708.1920
rcathcart@ladas.com

1040 Avenue of the Americas
New York, NY 10018-3738
T 212.708.1800
F 212.246.8959
www.ladas.com

February 2, 2016

For Settlement Purposes
Only – Without Prejudice

VIA E-MAIL

Mary Frances Love, Esq.
Aspire IP
3509 Connecticut Avenue, N.W., PMB 130
Washington, DC 20008

E-mail: maryfran@aspireip.com
Tel: (202) 247-2929

Re: Delta Faucet Company v. AS IP Holdco, LLC - Cancellation No. 92/061,540
(LINDEN v. LYNDON) and Opposition No. 91/225,315 (LINDEN v. DXV
LYNDON) (Our Ref: C14663936)

Dear Mary Fran:

Reference is made to our exchange of correspondence of January 26, 2016.

We forwarded your request that our client consent to a motion by Delta Faucets seeking to re-open its expired period to serve its discovery responses.

Since your client willfully chose 1) not to serve its discovery responses or timely move to seek an extension of time to do so and 2) failed to respond to or oppose American Standard's motion seeking to Amend its Answer and for discovery related relief, our client is unwilling to consent to Delta Faucet's tardy request.

Thus, as your client is in default, Delta Faucets must now respond to American Standard's First Set of Interrogatories and Document Requests "on the merits" and "without objection". Accordingly, we await your client's discovery compliance on the merits and without objection and the Admissions are automatically deemed "admitted".

Concerning the issue of consolidation, our client is considering the matter and we shall revert to you when we have instructions.

Lastly, we had previously indicated that we found it "odd" that first class mail could be so delayed in getting to your office (no other recipient complained of delayed mail during that time period) and also note that we e-mailed copies of our discovery requests to you on November 24, 2016, after having properly served them on November 13th by first class mail. Thus, any suggested inconvenience was trivial and ameliorated since Delta Faucets was afforded an extra 5 days (30 + 5) to comply or seek to enlarge the time to comply.



Mary Frances Love, Esq.
February 2, 2016

Page 2

In the meantime, as per your request, we shall henceforth serve documents via first class mail at the new Colorado address indicated as the correspondence address by the TTAB.

We look forward to proceeding with discovery and avoiding any unnecessary motion practice.

Thank you in advance for your anticipated cooperation,

Very truly yours,

A handwritten signature in black ink, appearing to read "Ralph H. Cathcart".

Ralph H. Cathcart

RHC/tmr

cc: **VIA E-MAIL**
Jennifer Kwon, Esq.

E-mail: jkwon@ladas.com